

VOLUME IX, NUMBER 4, FALL 2009

CLAREMONT

REVIEW OF BOOKS

A Journal of Political Thought and Statesmanship

Michael Anton:
**When Terrorists Get
the Bomb**

Angelo M.
Codevilla

♦
Bret
Stephens:
**Winning
Wars**

Bradley C.S.
Watson:
**Reading
Robert
Bork**

Jean Bethke
Elsthain:
**The Moderation
of the
Christian Right**

Harry V. Jaffa:
Lincoln at Peoria

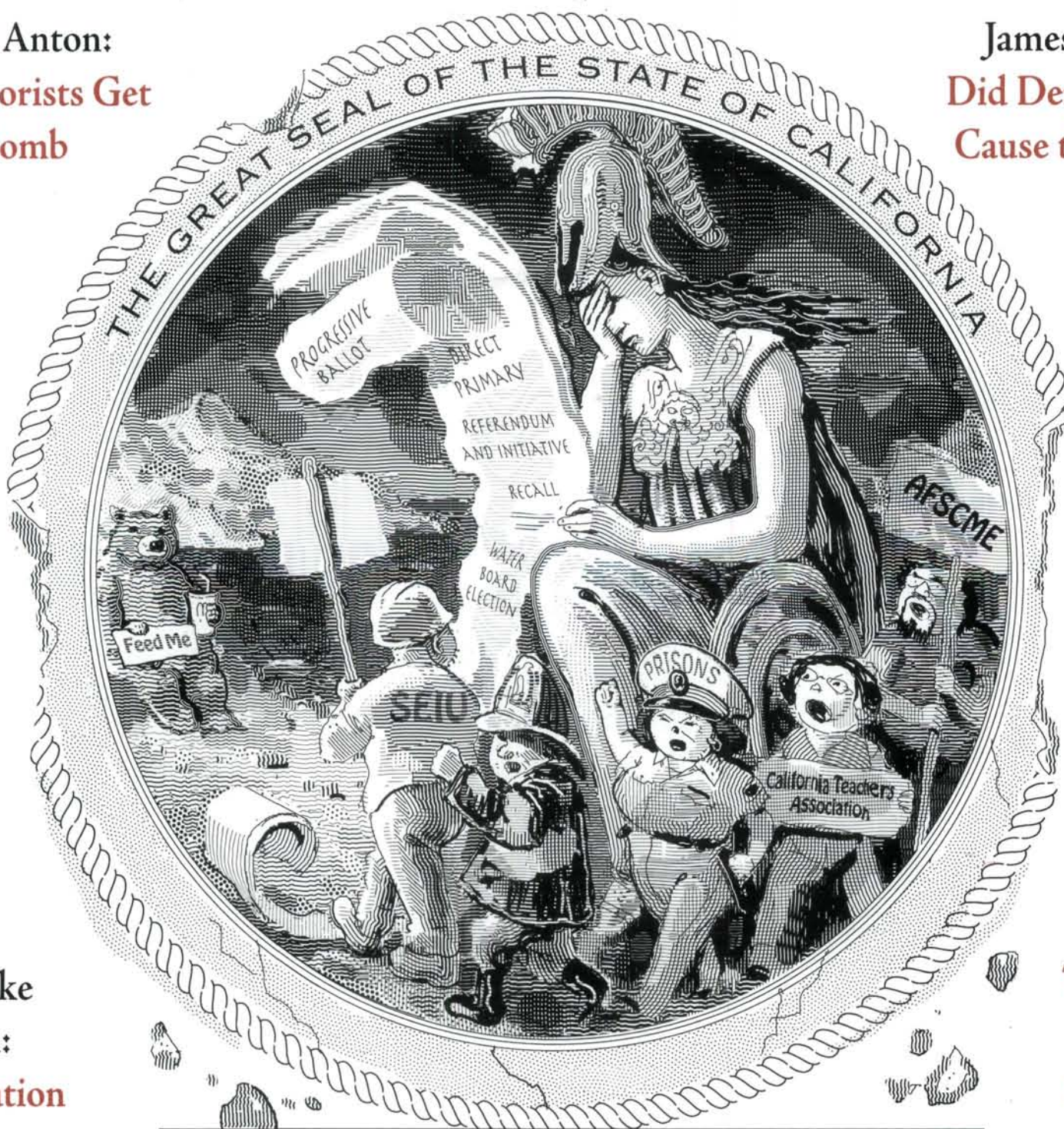
James Keller:
**Did Deregulation
Cause the Crash?**

Carl J.
Schramm:
**Capitalism
vs.
Democracy**

Richard E.
Morgan:
**Life Without
Lawyers**

Will
Morrisey:
**The Demise
of Islamic
Civilization**

Cheryl Miller:
**Marilynne
Robinson's
New Novels**

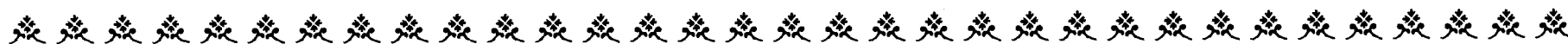


**FAILED STATE:
The Collapse of California**
by William Voegeli

PRICE: \$6.95
IN CANADA: \$7.50



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



FROM THE EDITOR'S DESK

Charles R. Kesler: The Politics of Repeal: page 3

CORRESPONDENCE: page 4

The New Liberal Challenge; What Unions Do; A Right to Health Care;
The Moral Case for Capitalism; Israel and the Natural Law

ESSAYS

William Voegeli: Failed State: page 10
How the California dream became a nightmare.

Carl J. Schramm: Can Democracy Survive Capitalism?: page 21
The challenge of creative destruction.

Harry V. Jaffa: Lincoln in Peoria: page 53
Lewis Lehrman rediscovers the Great Emancipator's seminal anti-slavery speech.

REVIEWS OF BOOKS

James Keller: Is Deregulation to Blame?: page 17
A Failure of Capitalism: The Crisis of '08 and the Descent into Depression,
by Richard A. Posner; and *Getting Off Track: How Government*
Actions and Interventions Caused, Prolonged, and Worsened
the Financial Crisis, by John B. Taylor.

Colin Dueck: The End of the End of History: page 24
America Between the Wars: From 11/9 to 9/11, by Derek Chollet and
James Goldgeier; *Clinton's Foreign Policy: Between the Bushes, 1992–*
2000, by John Dumbrell; *The Second World: Empires and Influence in the*
New World Order, by Parag Khanna; *The Next 100 Years: A Forecast for*
the 21st Century, by George Friedman; and *The Return of History*
and the End of Dreams, by Robert Kagan.

Paul Hollander: Unrepentant: page 30
Underground: My Life with SDS and the Weathermen,
by Mark Rudd.

Michael Anton: Worst Case Scenario: page 31
Nuclear Terrorism: The Ultimate Preventable Catastrophe,
by Graham Allison; *On Nuclear Terrorism,* by Michael Levi; and
The Nuclear Express: A Political History of the Bomb and its Proliferation,
by Thomas C. Reed and Danny B. Stillman.

Will Morrissey: Glory Days: page 34
The Crisis of Islamic Civilization, by Ali A. Allawi.

Jean Bethke Elshtain: Good Citizens: page 36
The Democratic Virtues of the Christian Right, by Jon A. Shields.

Robert Royal: Common Sense and Philosophy: page 37
Phenomenology of the Human Person, by Robert Sokolowski.

Cheryl Miller: Simple Gifts: page 39
Gilead; and *Home,* by Marilynne Robinson.

Richard E. Morgan: When the Law is an Ass: page 42
Life Without Lawyers: Liberating Americans from Too Much Law,
by Philip K. Howard.

Bradley C.S. Watson: The Old Race of Judges: page 44
A Time to Speak: Selected Writings and Arguments,
by Robert H. Bork.

Michael P. Zuckert: Madison's Avenues: page 46
The Madisonian Constitution, by George Thomas; and *James Madison*
and the Spirit of Republican Self-Government, by Colleen A. Sheehan.

Ryan P. Williams: Still Great: page 49
The Founding Fathers Reconsidered, by R.B. Bernstein.

John Lukacs: History and Mythology: page 49
Dangerous Games: The Uses and Abuses of History,
by Margaret MacMillan.

Angelo M. Codevilla: Transcendental Hustlers: page 50
Freedom Just Around the Corner: A New American History, 1585–1828;
and Throes of Democracy: The American Civil War Era, 1829–1877,
by Walter McDougall.

THE DISPUTED QUESTION: page 27

Angelo M. Codevilla and Bret Stephens on American victory and defeat.

PARTHIAN SHOT

Mark Helprin: Obama Blinks Twice: page 58

FROM THE EDITOR'S DESK

THE POLITICS OF REPEAL

by Charles R. Kesler

EVERYTHING DEPENDS ON HEALTH CARE REFORM. PRESIDENT Obama has made that clear in his 29 (at last count) speeches on the subject and by his administration's legislative and lobbying priorities. His long-term ambitions to revive the Democrats' reputation for epochal social reform, to restore his party as America's majority party, and to elevate himself as one of its immortals—all turn on a breakthrough on health care.

Success would allow him to fulfill a promise made by Franklin Roosevelt 65 years ago. Failure would make him another Bill Clinton. That's why Obama can be counted on to fight for the last vote in the Senate as he did in the House of Representatives, whose narrow passage of a bill was a big step forward for the president's efforts. Though the whole enterprise could still fall apart in the Senate or in conference committee, it's increasingly likely that something called health care reform eventually will emerge from this heavily Democratic Congress and be signed into law by President Obama.

But contrary to his expectations, that won't be the end of the fight. Or at least it shouldn't be. Without letting up on their resistance to the awful health care bills now before them, Republicans and conservatives of all stripes ought to prepare themselves for a possible second phase of the struggle: repeal, of whatever noxious bill the Democrats manage to pass.

And make no mistake, it will be the Democrats who pass this so-called reform bill. Never before in American history will a major piece of social legislation have been enacted on such a purely partisan basis. The granddaddy of them all, the Social Security Act of 1935, won the support of a majority of Republicans in both the House and Senate. Medicare became law in 1965 with half of House Republicans and 13 of 32 GOP senators voting yea. By contrast, Obamacare (whatever it turns out to be) will pass, if it passes, essentially by Democratic votes alone, even if one or two confused Republicans do wander across the aisle.

This will be partisan legislation of a very bad sort. In fact, it will be legislation of a very bad sort, degrading health care's quality, raising taxes and insurance premiums while adding enormously to the deficit, and de-

liberately expanding Americans' dependence on the federal government. It will be law that, in poll after poll, most Americans say they do not want. But it will be shoved down our throats anyway, in a vivid example of the bedside manner we can expect from our new national health care system.

Unless we resist, and continue to resist.

WHAT ALTERNATIVE DO WE HAVE? TO ACQUIESCE IN THE new program in hopes of improving it later on would be a pipedream. If entitlement programs could be easily fixed, the U.S. would not after *decades* of warnings be facing the impending bankruptcy of Social Security, Medicare, and Medicaid. If government bureaucracies could handily be streamlined, the Post Office would not be...the Post Office.

That leaves refusing to accept the new measure as legitimate, or in other words, beginning to work as soon as it is passed for its repeal. There is nothing un-American or undemocratic or even unrealistic about this. The same legislature that enacts a bill has the right and power to repeal it. It happens all the time. More generally, battles to reverse public policy considered unfair, unwise, and unconstitutional are a storied part of American history, ranging from Thomas Jefferson's denunciations of the Alien and Sedition Acts, to Andrew Jackson's war against the Second Bank of the United States, to the repeal of the 18th Amendment, when a thirsty country changed its mind about banning sales of alcoholic beverages. More recently, the Medicare Catastrophic Coverage Act of 1988 lasted until 1989, when Congress, under pressure from senior citizens, removed it from the books.

In the present case, it's been so hard for Democrats to find a politically palatable way to pay for their reforms that they want to institute their plan's new taxes at once but delay its benefits until 2013. The gimmick would yield several years of revenues without expenditures, contributing to the illusion that their bill will not bust the budget. Happily, three years of pain but no gain would also provide the perfect opportunity to pursue the politics of repeal.

Editor: Charles R. Kesler • Senior Editor: Christopher Flannery • Managing Editor: John B. Kienker

Associate Editor: Kathleen Arnn • Contributing Editors: Joseph Tartakovsky, William Voegeli

Editorial Assistants: Patrick Collins, Daniel O'Toole, Ryan Williams • CRB Fellow: Ilan Wurman • Art Director: Elliott Banfield

Publisher: Brian T. Kennedy • Publisher (2000–2001): Thomas B. Silver

Publication Committee:

William J. Bennett • Michael W. Gleba • Lawrence Kadish • Thomas D. Klingenstein • Bruce C. Sanborn • Paul E. Singer

Claremont Review of Books, Volume IX, Number 4, Fall 2009. (Printed in the United States on November 11, 2009.) Published quarterly by the Claremont Institute for the Study of Statesmanship and Political Philosophy, 937 West Foothill Blvd., Suite E, Claremont, CA 91711. Telephone: (909) 621-6825. Fax: (909) 626-8724.

Unsolicited manuscripts and letters to the editor may be sent to crbeditor@claremont.org or to the above street address.

Price: \$6.95 per copy; \$27.80 for a one-year subscription; \$55.60 for a two-year subscription; \$83.40 for a three-year subscription. Add \$17 for all foreign subscriptions, including those originating in Canada and Latin America. To subscribe, call (909) 621-6825 or contact subscriptions@claremont.org.

Visit us online at www.claremont.org/crb. Opinions expressed in signed articles do not necessarily represent the views of the editors, the Claremont Institute, or its board of directors. Nothing in this journal is an attempt to aid or hinder the passage of any bill or influence the election of any candidate.

All contents Copyright © 2009 the Claremont Institute, except where otherwise noted.

CORRESPONDENCE

THE NEW LIBERAL CHALLENGE

In "The Conservative Challenge," Charles R. Kesler writes with his typical eloquence that "To an amazing degree, Obama's agenda represents a return to liberalism's roots. Modernized, reenergized, repackaged, to be sure, but recognizable as a new installment of something that Americans have been resisting for a long time" (Summer 2009). Kesler correctly understands that the liberal drive for large government began in the late 19th century and lay at the center of the Progressive reform movement in the early 20th century. Yet, in describing this continuity of vision, Kesler fails to see that liberalism has undergone important changes in the late 20th century.

Early Progressives were primarily concerned with addressing the ills of industrial capitalism. With varying degrees of intensity depending on the politics of the situation, they called for public ownership of basic industries and municipal services, economic regulation of corporations, and the redistribution of wealth.

By the 1930s, however, it was clear that the New Deal Left had abandoned its explicit call for redistributing wealth. For all Franklin Roosevelt's talk of redistribution and his attacks on "economic royalists," he signed the Revenue Act of 1938, which moved away from radical wealth redistribution in favor of enlarging the tax base to raise more government revenue to support the expansion of social programs. Although tax rates on upper income groups and corporations were raised during the Second World War, liberals' single overriding goal became to increase government revenues to enlarge the welfare state.

More importantly, the liberal strategy for achieving the "good society" changed in the 1970s from controlling the means of production, as Marxists used to say, to control of American consumption through environmental regulation, energy use, national health care, and a range of other intrusions into American life. The recent federal

takeover of General Motors was a result of political calculation and the circumstances of the financial collapse of 2008, but the primary goal of the Obama Administration and the progressive Left is to control American middle-class consumption, from the health care plans they can purchase, the cars they buy, the light bulbs they use, and even the food they eat. This "post-industrial" agenda is intent on transforming the nation into a European-type social democracy, all in the name of "fairness," protecting the environment, and ending American exceptionalism. The result is the same as the older Progressive vision: the erosion of traditional American liberty and constitutionally balanced government. It's no less frightening; indeed, it is more insidious because the full ramifications of the new liberalism, manifested in the Obama agenda, are less apparent than in the older Progressive tradition.

Donald T. Critchlow
Saint Louis University

Charles R. Kesler replies:

I would agree with Don Critchlow that "liberalism has undergone important changes in the late 20th century." My essay didn't deny that—in fact, I'd discussed a few of those changes in my previous treatment of Obama ("The Audacity of Barack Obama," Fall 2008)—but it did emphasize that his pursuit of ever bigger government was not one of them. My friend Critchlow concurs on that.

His own account of liberalism's changes is valuable but a little overdone. He contends that Progressivism and the early New Deal were concerned with redistribution of income and controlling the means of production, but that in the 1970s liberalism instead sought to control middle-class Americans' habits of consumption. But was there ever a bigger attempt to control Americans' habits of consumption than Prohibition? That was one of Progressivism's great triumphs, though happily a short-lived one.

Besides, it's impossible to control consumption without also directly or indirectly affecting production. Obama's health care plan would limit not only the quantity and quality of health care we're allowed to consume, but also the quantity and quality that doctors and hospitals and pharmaceutical companies are encouraged, or permitted, to provide. And those pallid, curled light bulbs will only be adopted if the government chokes off the supply of the other kind.

WHAT UNIONS DO

The breadth and writing of William Voegeli's "Look Out for the Union Label" are impressive, but the anti-union broadside ultimately fails to persuade because the position itself is untenable (Summer 2009). Different unions may act responsibly or irresponsibly, be forces for good or bad in given situations, but overall they and much associated with them—collective bargaining, labor-management safety panels, grievance procedures, representation—are integral to an industrial relations system that has spawned decades of prosperity. Corporate management has acted deplorably in any number of recent instances, with far more negative impact on average people; does that make "management" itself a negative?

Voegeli's brief boils down to four related assertions: (1) unions have little merit and serve chiefly to undermine the economy; (2) they are cartels that benefit from a labor monopoly; (3) the United Auto Workers epitomizes what is bad about unions; and (4) the Obama Administration embraces labor's agenda. Let's consider each, in order.

The importance of unions to our economic and industrial relations systems is clear on a variety of fronts, starting with the historical link between a robust labor movement and a thriving middle class. Labor's zenith, from the late 1940s to the mid-1970s, saw the greatest expansion of the middle class in U.S. history—no more a coinci-

dence than is the squeezing of the middle class in recent years as labor has declined. Voegeli questions the causality but doesn't even attempt to disentangle the advent of good contracts from the ascent of millions of Americans to the middle class.

Procedurally, our industrial relations system is based on vigorous representation by labor and management, and, when appropriate, government; over time the best private practices and public policies emerge. The marginalization of labor has contributed to skewed outcomes that have left ordinary Americans reeling, productivity and wages no longer rising in tandem, and the biggest share of the GDP going to profits and the smallest to wages and salaries in some 80 years.

In nuts and bolts terms, workers are best protected by a union and a set of agreements. For example, 2006 was the deadliest year for miners in a decade. Of the 47 deaths, only five were in union mines. Why? Because when a miner at a union facility feels unsafe going underground, he tells his safety rep and he doesn't go down. Good luck trying that at a non-union mine.

As I argue in my book, *State of the Unions: How Labor Can Strengthen the Middle Class, Improve Our Economy, and Regain Political Influence*, advocating a vibrant labor movement does not require agreeing with labor's positions, but rather recognizing that rigorous representation of the various stakeholders involved produces the best outcomes. This should not be a foreign concept to anyone who believes in free markets and democracy.

Voegeli makes three specific arguments against unions, including that they are a cartel with a monopoly on labor. With all due respect this is essentially the contention of the Neoclassical Economics School. It rests in part on a laissez-faire view that seeks to avoid interference in the workings of the economy from the likes of government or unions—a view that held sway until its shortcomings were starkly displayed by the Great Depression, though it has been making a comeback of sorts. Much of U.S.

labor law and practice has for decades been based on the competing Industrial Relations model, which posits divergent interests that must be represented by institutions able to provide checks and balances.

Regarding the United Auto Workers, blaming Detroit's problems on the contracts won by men and women on the assembly line reflects ideology more than analysis. At their height, veteran UAW-represented workers earned roughly \$55 in hourly wages and benefits—\$8 more than their non-union counterparts at foreign transplants. Since labor accounts for only 10% of the cost of making a car, this differential contributes far less to the industry's problems than, say, management's designing of cars that people don't want. More significant are legacy costs, chiefly retiree health care. Unlike its German, Swedish, and Japanese competitors, Detroit pays the price for our lack of national health care. There's irony in the fact that the UAW's sharpest critics tend to strongly oppose national care.

In recent years, the UAW has made some of the largest concessions in U.S. labor history. While some affect only new hires, others such as the renegotiation of local operating agreements to boost plant-level managerial flexibility apply broadly. Voegeli says that UAW leaders must please members who put them in power, and so often don't look at the overall picture. Fair enough, but this also applies to other players. Corporate leaders are notorious for taking a short-term view based on quarterly profits and the need to please their Board and their stockholders—which, in Detroit's case, explains many of the problems.

Finally, Voegeli writes of a White House avidly pro-union. That would be news to the many labor leaders, activists, and rank-and-file workers I regularly speak to, who wonder when their massive efforts to elect Barack Obama will pay off. For months, labor's top priority, the Employee Free Choice Act, has languished on the back burner, while Democratic leaders have dealt with other priorities, including those of Wall Street and the banks.

Philip Dine
Chevy Chase, MD

Because William Voegeli begins his important essay on unions and liberalism with quotations from former Secretary of Labor Robert Reich, let me do so, too. In his instructive, witty book *Locked in the Cabinet*, Reich recounts his profanity-laced meetings with union officials. Once, having been mocked by a boss at a previous meeting for not knowing what a screwdriver was, Reich insisted that he did know what it was, and triumphantly whipped out a monkey wrench he had taped under his desk.

Over the last eight years Secretary of Labor Elaine Chao threw a monkey wrench into the sort of union machinations Voegeli describes. The Bush Administration's Department of Labor (where I worked for a few years) began vigorous enforcement of a 1959 law requiring transparency in disclosing union expenditures. Previously, expenditures as large as \$68 million were listed as "grants" or otherwise lacked itemization. How could members find out how their union was spending their money? See www.unionreports.gov—while the website remains up.

Democratic administrations routinely slash the budget for this office and defang a law intended to benefit wage earners. Add these tactics to brash demands for "card check," and we see unions' fear of accountability to their members.

Ken Masugi
Washington, D.C.

William Voegeli replies:

I was sorry to learn that my "anti-union broadside ultimately failed to persuade" Philip Dine, but was reassured after his letter led me to some of his other writings. They showed that Dine cannot be dissuaded from his pro-union sympathies by any arguments or evidence, including his own first-hand experience.

In a newspaper column earlier this year Dine wrote, "If we had time, I'd tell you about being jostled to the edge of a San Diego hotel rooftop some 20 years ago by UAW convention delegates irate over my reporting on internal union divisions. As I'm getting a view of the city I hadn't expected, I'm think-

ing: 'If they really disliked what I wrote *this* much, wouldn't a simple letter to the editor have sufficed?'" Those UAW scamps...*always* up to some new pranks!

It might occur to a journalist covering unions, as opposed to covering for them, that if this sort of intimidation can be visited upon a writer who is clearly a friend to the labor movement, there might be something fundamentally problematic with an "Industrial Relations model, which posits divergent interests that must be represented by institutions able to provide checks and balances." Reminding adversaries, or even allies, that they could wind up on a hotel's ground floor without availing themselves of an elevator is a decidedly non-Madisonian check and balance. The only moral Dine draws from his own story is that the labor movement needs to be more nimble at "getting out its message."

Dine exercises his willful credulity more broadly, rather than reserving it for stories where he is in the room (or on the roof). Arguing in another column that "dynamic leadership" is necessary for unions to overcome their public relations problems, Dine praises Richard Trumka, the new AFL-CIO president, while conceding enigmatically that Trumka has "been around long enough to provide critics with some fodder." Another pro-union journalist, John Judis of the *New Republic*, was less circumspect. He pointed out that the federal government overturned an election for the Teamsters presidency in 1996 after the winning candidate, Ron Carey, was discovered using union funds from members' dues to finance his campaign:

Carey's campaign would send the money to individuals in other organizations ostensibly for other purposes and the individuals and organizations would arrange for the money to be donated back to the Carey campaign. According to a statement made by Carey's former campaign manager, Trumka and the AFL-CIO were involved in this money-laundering scheme. At Trumka's request, \$150,000 was sent to

the AFL-CIO for get-out-the-vote efforts in the 1996 general election. The money was then sent to Citizen Action, a community organizing group, which passed it back to the Carey campaign. While Trumka was mentioned in the federal complaint, he was not indicted. And he refused to testify in the federal investigation on Fifth Amendment grounds.

According to Sam Hananel of the Associated Press, "Although the AFL-CIO had an internal policy to expel any officer who takes the Fifth to avoid scrutiny, the federation decided not to remove [Trumka] from office. [AFL-CIO president John] Sweeney insisted there was no evidence Trumka was part of the money laundering scheme." It's hard to improve upon the circularity of Sweeney's reasoning: waiving the Federation's policy against invoking the Fifth Amendment in Trumka's favor guaranteed that no evidence of his misconduct *could* come to light, and the absence of that evidence meant that Trumka deserved the benefit of the doubt for violating the policy.

This is the labor movement that inspires Philip Dine to praise a collective bargaining system where "rigorous representation of the various stakeholders involved produces the best outcomes." As Ken Masugi reminds us, labor's "rules are for other people" stance is not attributable to the occasional zealous or corrupt official, but is a defining characteristic.

Dine contends that "Labor's zenith, from the late 1940s to the mid-1970s, saw the greatest expansion of the middle class in U.S. history—no more a coincidence than is the squeezing of the middle class in recent years as labor has declined." As I have argued before in these pages, the postwar American boom that Dine applauds is *much* more plausibly ascribed to an extraordinary, irreproducible set of world economic circumstances than to labor's zenith, Keynesian macroeconomic policy, or New Deal welfare state programs. By the late 1940s, as the historian James Patterson points out in his book *Grand Expectations*, the United States, with 7%

of global population, "possessed 42 percent of the world's income and accounted for half of the world's manufacturing output. American workers produced 57 percent of the planet's steel, 43 percent of electricity, 62 percent of oil, 80 percent of automobiles."

These overwhelming advantages against the industrialized nations whose populations, infrastructure, and finances were devastated by World War II lasted a quarter century, but could not endure forever. "Labor's zenith" consisted of exploiting, not causing, these favorable circumstances, thereby hastening the demise of America's ability to compete as other countries recovered.

Dine, for example, absolves the UAW of any blame for the demise of America's auto industry. Mickey Kaus, as usual, has a less tendentious assessment. It's not just that Detroit pays its workers more than foreign car companies with non-unionized American plants, he says. Nor is it that the Detroit companies have huge legacy costs from trying to sustain a social-democracy-in-one-industry welfare state that the transplant auto makers don't have to pay for. The problem is also that the elaborate, burdensome work rules in Detroit's factories don't exist in non-UAW auto plants, and those rules, covering things like line relief, holiday pay, and paying workers when plants are shut, add about \$1,000 to the cost of each car. As "a car consumer," Kaus wrote in 2007, "every time I see a nice Detroit vehicle I might want to buy—the Ford Mustang and Pontiac Solstice come to mind—and then I see the tacky materials used in the interior, I think about how much more appealing the car would be if I *didn't* have to pay \$1,000/vehicle in extra costs to finance the UAW's work rules, etc."

Dine praises the Industrial Relations model, where labor and management have a political relationship for asserting interests and resolving conflicts, rather than an economic one. Kaus pointed out 26 years ago, however, that inane, suicidal work rules are not an accidental consequence of "Wagner Act unionism," but the purpose and even the glory of the Industrial Relations model:

Rigid work rules are not a mere by-product of unionism. They are central to the collective bargaining system and in fact have been praised by labor scholars as one of its great strengths.... At some GM plants, distinct job categories evolved for each spot on the assembly line (e.g., "headlining installer"). In Japanese auto plants, where they spend their time building cars instead of creating job categories, there is only one nonsupervisory job classification: 'production.'

In his letter Dine says the UAW "has made some of the largest concessions in U.S. labor history." Of course, if a union has a long record of securing exorbitant contracts, it establishes a baseline that makes large concessions possible, while the contracts' predictably ruinous effects on the firms who signed them ultimately make the concessions necessary. According to one of Dine's newspaper articles, Martin Mulloy, Ford's vice president for labor affairs, told a Labor and Employment Relations Association conference in June 2009, "We regard our relationship with the union as a competitive advantage." Dine's account of the conference does not specify whether union charm school graduates walked Mulloy to the edge of a hotel roof before he manifested these signs of Stockholm Syndrome.

It's unclear, moreover, against whom Ford's "competitive advantage" helps it compete. It can't be against foreign carmakers, whose non-unionized factories in the U.S. have steadily taken market share from the ever-smaller Big Three by turning out better cars at better prices. Nor can it be against G.M. and Chrysler. In October, shortly after Mulloy expressed his gratitude to the union, Ford's UAW members overwhelmingly rejected the company's request for the same concessions on wages, benefits, and work rules the UAW had made to G.M. and Chrysler when they declared bankruptcy. Of course, UAW now owns large parts of G.M. and Chrysler as a result of the Obama Administration's even-handed adjudication of those bank-

ruptcies. In any other context this situation would be a flagrant conflict of interest. Because, however, the standard UAW approach to the industry has always been that any employer that is still solvent is one from which too little has been extracted, the union can plausibly argue that it isn't treating Ford any differently than it would if it didn't have equity in its competitors.

A RIGHT TO HEALTH CARE

I applaud Andrew Busch for recognizing that the fundamental frame for discussing health care reform should be core societal values ("Is Health Care a Right?," Winter 2008/09). This recognition—especially coming from a conservative writer—is an important correction to the "economics first" approach that dominates current health care debates. The particular value that Busch focuses upon is that of rights. As an anthropologist and a humanist, my own preference is to frame health care discussions around responsibilities rather than rights. The reality of human fragility and interdependence—that all humans need assistance when we are very young, very old, and when we suffer from illness or injury—is addressed by all societies in one way or another through beliefs and practices that ensure at least some degree of mutual responsibility.

However, I also believe that health care is a human right and thus am intrigued by Busch's argument that: "even if the right to life [as stated by our nation's founders] led to a positive government obligation to provide health care, that right would logically be restricted to medical actions essential to preserve life, especially emergency measures." This argument seems to assume that only a small subset of health care services save lives, an assumption disproven by Institute of Medicine data showing that Americans without access to on-going health care are significantly more likely to die than people with regular access to health care—even though current federal law already requires emergency departments to assess

and stabilize medical emergencies. Moreover, this argument seems to assume that a clear line can be drawn between lifesaving procedures and other (life-extending? life-enhancing?) procedures. By Busch's logic, diabetics do not have a right to insulin, but once they experience renal failure due to lack of insulin they then have a right to dialysis. Is his concern here the immediacy of death? How immediate is enough: one hour, one day, one month, one year? What does he propose is the proper timeline for the right to health care to kick in? And who gets to decide?

Busch further argues that, "if a civil right to health care [is] derived from the [right to the] pursuit of happiness, one would have to show that it is positively correlated—perhaps even necessary—to the achievement of happiness. Yet this conclusion is surprisingly difficult to support." Surely Busch cannot be arguing that a paraplegic forced to scootch on the floor is as able to pursue happiness as a paraplegic using the mobility aid of a wheelchair? Indeed, the important issue here is less the goal (happiness) than the process (the right of pursuit). Access to health care is a necessary precondition for all Americans to have a shot at pursuing employment (as I have argued elsewhere, those who are visibly ill have become unemployable) and thus the basic material means to survive in a capitalist society.

Busch proposes a conservative approach to health care that "first ought to recognize that individuals exist in a social web of family, friends, co-workers, churches, and other associations." This point is well taken. Yet, in the context of our expensive, scientific, and highly specialized medical system, families and friends cannot possibly serve as medical providers. The role of government, it seems to me, is to take the burden of health care delivery off the backs of these social networks and free them up to do what they do best: provide nurture and comfort to the sick and infirm.

Susan Sered, Ph.D.
Center for Women's Health
and Human Rights
Suffolk University
Boston, MA

Andrew E. Busch replies:

Because I do not believe there is a right to government-supplied health care, I quite agree with Dr. Sered that responsibility should be a greater focus. One of the chief drivers behind the explosion of health costs, and consequently behind the inability of many Americans to afford insurance, is the degree to which responsibility over health care is hidden. A free society should try to increase the responsibility that individuals and families have over their own health care, not to obliterate that responsibility either in stages or all at once. A key point here is that "mutual responsibility" is not synonymous with "government responsibility," let alone "federal government responsibility." One of the greatest innovations of mutual responsibility in human history has been the invention of private insurance.

The problem of line-drawing with respect to the right to life illustrates precisely why a "right" to health care is so problematic, and why I oppose it. If the "right" to health care is based on the right to life, what if anything would Sered exclude? Would we be entitled to relieve our fellow citizens of their income to treat swimmer's ear, to correct tongue-tie, or for male hair restoration? One gets the feeling that even elective abortion would somehow be made to fall under the right to life. When the action "required" by a right becomes too attenuated from the right, it becomes an open door for centralized government without limit. For this problem, Sered offers no solution.

Of course, personal health is connected to personal happiness. The problem is that there is a much weaker correlation between government-provided health care and actual health, which is why the United States has significantly higher rates of cancer survival than countries like Canada, Great Britain, and Norway. Surveys show that there is no obvious correlation between countries that have socialized medicine and countries that exhibit high levels of happiness. Perhaps this is because freedom is also connected with happiness.

Dr. Sered concludes by suggesting that the role of government "is

to take the burden of health care delivery off of the backs of...social networks." This way of thinking about social responsibilities is a bit too close for comfort to Alexis de Tocqueville's troubling forecast, in which government

chooses to be the sole agent and the only arbiter of [the people's] happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances; what remains, but to spare them all the care of thinking and all the trouble of living?

What, in such a society, would remain of our humanity is hard to say.

THE MORAL CASE FOR CAPITALISM

Greg Forster argues convincingly that a moral argument is needed to save capitalism ("Sacred Enterprise," Summer 2009), but I think he overestimates that argument's dependence on Christian theology.

Because trade and a sense of fairness have been found in every known human culture (not to mention in higher primates), a strong moral case can be made, on the basis of human nature alone, for capitalism and against socialism's institutionalized theft.

Christianity has been ambivalent in its endorsement of capitalism. In just the past two centuries, its message of compassion has supported Liberation Theology, Christian Socialism, and Marxism. Although the sacredness of property is a valid argument against socialism, it has not had the same emotional impact as the claim that wealth must be redistributed to help the poor.

A moral argument with a universal foundation will resonate more strongly, and with a wider audience, than one based upon sectarian theology.

George L. Clark, Sr.
Manhattan Beach, CA

Greg Forster accurately diagnoses capitalism's lack of a moral defense as the cause of today's withering assault on economic freedom, and effectively dismantles the utilitarian arguments offered by Friedrich Hayek and others. Free markets will not achieve widespread support so long as they are seen as morally suspect.

Forster's central thesis, however—that Christianity supplies the missing moral ground of capitalism because it holds that "the individual is transcendentally sacred"—is hopeless.

By trying to support capitalism with a scaffolding of faith, not only does Forster imply that reason is on the side of socialism, he ignores an inescapable fact—grasped by the "social conservative opinion leaders" he mentions—that capitalist morality is incompatible with Christian morality.

Nothing makes this conclusion clearer than the half-hearted defense of capitalism Forster offers in his own essay. He says that early Christian writers opposed interference with property rights, except when "justice" required it. Would President Obama disagree? He approvingly quotes Aquinas's "defense" of profit, which denies that the labor needed to attain it is "honorable or necessary," and claims profit is "licit" only if it is "directed to a necessary or even honorable goal." Why not have the government redistribute wealth toward "honorable" goals? Forster writes that Christianity is against interfering with people's property, labor, and exchange, "except where necessary to uphold justice and sustain society." Isn't that what Barney Frank claims he's doing?

What Forster cannot get around is the fact that capitalism does not just tolerate production and the profit-motive, it venerates them. A capitalist system rewards and exalts the rational, productive individual, whose highest value is the achievement of his own life, happiness, and material well-being. That is what one must defend if one wishes to defend capitalism. But all Forster can say is that Christian theology "largely" abandoned its hostility toward profit-making. And this is the strongest moral defense of capitalism Christianity has to offer.

Toward the end of his essay, Forster laments that a "robust moral philosophy of capitalism" failed to "emerge from 20th-century capitalist thought." But in her novel *Atlas Shrugged*, Ayn Rand argued on rational, secular grounds that human life requires productive achievement, and that the noblest act of moral virtue is using one's mind to create life-sustaining values. She argued that profit is moral *because* it enriches the individual who achieves it—that someone like Bill Gates deserves the highest moral praise, not for giving away his wealth, but for creating it in the first place. Thus Rand lauded capitalism precisely because it is the only system that rewards the profit motive and respects the individual's right to act on his own judgment in pursuit of his life and happiness. That is the moral defense capitalism desperately needs.

Dr. Yaron Brook
President and Executive Director
The Ayn Rand Institute
Irvine, CA

Greg Forster offers an excellent sweep of the intellectual history of "free market enterprise," especially impressive for its succinct presentation. His observation that the true moral ground for capitalism arose from the early Church's teaching on the sacredness of the person is both correct and timely.

Yet the Roman Catholic Church's contribution didn't stop there. It can be found in her modern social teaching as represented in magisterial documents from Leo XIII's *Rerum Novarum* in 1891 to Benedict XVI's recent *Caritas in Veritate*, and, especially, in John Paul II's landmark 1991 social encyclical, *Centesimus Annus*.

Centesimus Annus informs us that of the social systems currently available, democracy and free market economies have the best potential for promoting human development. It says the free market economy "should be viewed carefully and favorably" and should be proposed to the developing world, so long as it is circumscribed in a strong, juridical framework which places it at the service of human freedom in its totality.

Perhaps one of the Church's greatest contributions has been the identification of three principles on which any social organization or issue should be evaluated: a correct understanding of the human person, solidarity, and subsidiarity. These provide the secular world a framework with which to develop specific positions based on fundamental, underlying social principles.

Mr. Forster's essay ably captures the basic premise from which all Catholic social teaching flows: the recognition that every human person has an inherent dignity that comes from being made in the image of God.

Solidarity, wrote John Paul II, "is not a feeling of vague compassion or shallow distress at the misfortunes of so many people near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good." It implies a dedication to the poor and disadvantaged through individual actions and collective initiatives to make social, political, and economic structures more just and fraternal. This duty of solidarity also applies to nations, and indeed to the whole world.

Subsidiarity, introduced by Pope Pius XI and confirmed by his most recent successors, teaches that the economy should rely first on free markets and that the state should provide for human needs in another fashion only when they cannot be met by free markets or private associations. Benedict XVI put it this way in *Deus Caritas Est*:

We do not need a State which regulates and controls everything, but a State which, in accordance with the principles of subsidiarity, generously acknowledges and supports initiatives arising from different social forces and combines spontaneity with closeness to those in need.

John Paul II was quick to point out that many of our contemporary problems are not economic but moral. He called for a vibrant, critical interaction among economics, culture, and politics, emphasizing that, of these three, culture is the most important. On this point, the Church goes even further and

points out that at the heart of culture lies morality and at the heart of morality lies religion. By insisting on a vibrant, publicly assertive moral-cultural order, the Catholic Church demands a dialogue with society, a dialogue unashamedly based on her social teaching.

Robert A. Nalewajek
President, Centesimus Annus
Pro Pontifice—USA
Director, Fondazione Centesimus
Annus Pro Pontifice—Vatican
Cos Cob, CT

Greg Forster's recap of the moral case for capitalism was a model of clarity. I confess, however, to being troubled by the moral argument itself—that interfering with profit-making is tantamount to curtailing our freedom and therefore a "violation of the sacredness of the person." If this is the religious argument, how does it differ from the contemporary secular argument that the individual is autonomous?

Jim Severance
Loganville, WI

Greg Forster replies:

My article did not offer Christianity as a moral basis of capitalism. As I observed, it would violate our duty to respect the religious freedom of others if we based public policy on the Bible. The transcendent sacredness of the human person, not Christianity, was what I offered as the missing principle. I traced the history of this principle in Christian thought only insofar as that history is integral to capitalism's real historical development.

Though the sacredness of the person is affirmed by Christianity, it is also widely shared by a variety of belief systems, and it is the focal point of the Declaration of Independence. Capitalism's moral basis requires nothing more than what the Declaration declares. If we can't look to the Declaration as a statement of our shared national principles, where can we look?

I therefore find little to disagree with in George Clark's letter: basing public policy on the Bible would be not only wrong and dangerous

but also potentially counterproductive. I would only add that just because many people claim Christian teachings support socialism, it does not follow that they really do.

This will not, of course, be sufficient for Dr. Brook. He asserts, without argument, that anything involving "faith" must necessarily be contrary to "reason." Thus if I say that one of the principles embraced by the Christian faith is also the proper moral basis of capitalism, I must be implying that capitalism is irrational.

This supposed opposition between reason and faith is one of the great unwarranted assumptions of our age. My own investigation convinces me that all the logic and evidence unanimously point to the truth of Christianity. Would Brook advise me to negate the unequivocal testimony of my reason in order to become more rational?

Brook rebukes me for upholding justice, because some people define it in a manner inimical to freedom. He is certainly right that our liberty is endangered when justice is defined as whatever is in the interest of the weaker, and I would add that we are equally endangered when it is defined as whatever is in the interest of the stronger. But surely it is not wrong to use a word simply because some abuse it? Dr. Brook's own letter demonstrates a clear commitment to a concept of justice—namely the concept that, as someone once said, "the laborer deserves his wages."

Capitalism is inconsistent with Christianity only if we adopt Brook's idiosyncratic belief that capitalism's foundational principle is for each person to seek his own advancement above all else. If that were true, Adam Smith would have been capitalism's bitter enemy. I have never seen a more devastating refutation of ethical egoism than the one in Smith's *Theory of Moral Sentiments*.

But I will make this concession to Dr. Brook. I did write that Christian theological objections to profit have been "largely" but not entirely dropped. Though almost all Christian theologians agree that profit is not inherently bad, a few continue to hold that it is. If Dr. Brook thinks a religion is discredited if it encourages a climate of free debate and disagreement then I certainly wouldn't recommend Christianity. He'd be

better off looking for some small, fanatical sect where everyone agrees on every issue, all living together in what G.K. Chesterton called "the clean and well-lit prison of one idea." Perhaps he won't have to look far.

I thank Robert Nalewajek for reminding us that the Christian moral witness for the sacredness of the person in economic affairs continues to the present. I think two things could usefully be added to his survey. First, a look at other theological traditions besides the Roman one would yield similar results. And second, let us be humble enough to confess that within all theological traditions there has been some failure to consistently profess, embody, and enact this witness.

Jim Severance asks how the view that the state should respect the sacredness of the person differs from the view that human beings are autonomous. I take him to mean the view that each individual makes his own moral rules, and is not under moral duties external to himself. I further take it he wants to know specifically how my argument that the state should respect the sacredness of the person differs from the view of "autonomy" that rejects God as the source of moral obligation.

The answer is simple: the state is not God. The state is not allowed to act as though I were morally subordinate to it because I am not, in fact, morally subordinate to it. The state is just a bunch of people, and I'm a person just like they are. God, on the other hand, is allowed to treat me as morally subordinate to him because I am, in fact, morally subordinate to him. He's God and I'm not. As a friend of mine once remarked, monotheism is the proposition that there is only one God and it's not you.

ISRAEL AND THE NATURAL LAW

I am puzzled by Harry V. Jaffa's open letter to the president ("Correspondence," Summer 2009) because to my reading it seems opposed to the universal equality of men under natural law that he lays out in his wonderful book, *A New Birth of Freedom*. According to my understanding, natural law is based

on the notion that truth is written not in American nature or Jewish nature or Arab nature, but in our underlying common human nature.

Jaffa appears to affirm Israel's legitimacy and reject the notion of a Palestinian state on the basis of sovereign right, asserting that the Palestinian Arabs never had such sovereignty, while the Jews did possess "a sovereign Jewish state, a state from which the Jews were repeatedly driven" and to which "Jews always returned." Israel's conservative Likud party and its hard-line settlers in the West Bank make the same argument with some variations.

But nowhere does Jaffa cite natural law. The Jews' claim to the land is based upon the biblical covenant with God, which requires obedience to the laws of God. There is a connection between natural law and divine law; that is, the commands of justice, respect, compassion, etc., are written upon the human heart. If Israel, as a nation, has lost its faith in the divine, then it has lost its faith in its own nature and therefore in the natural law that binds it.

In Ezekiel 33: 23-26, we read:

Then the word of God came to me saying, Son of man, They that inhabit these waste places of the land of Israel speak, saying, Abraham was one man and yet he inherited the land, but we are many; the land is given us for inheritance. Therefore say to them, thus says the Lord God: You eat with the blood and lift up your eyes towards your idols and shed blood; and shall you possess the land? You stand upon your sword, you carry out disgusting deeds, and you defile every man his neighbor's wife; and shall you possess the land?

In short, the prophet declares that injustice invalidates the claim to the land.

To me, it appears that Jaffa has actually taken up John C. Calhoun's argument for "might makes right" and applied it, against his own beliefs, to the Israeli-Palestinian conflict. I think Calhoun would argue that each nation or people may assert its values over

others even at the risk of dehumanizing them. Perhaps the Arabs are guilty of the same prejudice. But it seems to me that Professor Jaffa owes his students a deeper, expanded argument.

Kenrick W. Hackett
Philadelphia, PA

Harry V. Jaffa replies:

My thanks to Mr. Hackett for his kind words. He is perfectly justified in asking me to defend what I have written in defense of Israel's existence, and its presence in what is called the West Bank, i.e., Judea and Samaria.

Mr. Hackett writes that in his understanding the natural law is written in our common human nature, which is neither Jewish nor Arab. In this he is perfectly correct. But the law of nature is also the law of reason, and we must seek the ground of nature in reason. It has long been an established principle that long possession is a ground for the natural right of property. How far back does one go to decide whether a family heirloom was rightfully acquired? Most existing governments stand on land that at some time in the distant past had been conquered. The government of England today is an inheritance, in part, from the Norman Conquest of 1066. The Southwestern United States, including Texas and California, were taken from Mexico, largely under the banner of "Manifest Destiny," the American equivalent of God's promise to the Jews. That the God of Israel promised the land of Israel to the children of Israel is certainly not a conclusion of the natural law. The 3,000-year persistent presence of Israelites in the land of Israel does however make it in some sense a family heirloom, a property right that others ought to respect under the law of nature.

No one would, I presume, call for returning England to the Saxons (who had conquered it from the Celts), or returning nearly half of the United States to Mexico. Most Americans in the mid-19th century believed that all the land of North America between the

Mississippi and the Pacific had been destined by God to be the possession of the United States. And many of those who did not think that God intended any such thing believed nonetheless that it was a good idea. By the Treaty of Guadalupe Hidalgo in 1848, the United States incorporated 60% of what had been the land area of Mexico. The acquisition of these vast areas raised the question of whether or not they would be open to slavery. The differences on this question led to the Civil War, so that in the end Americans paid a great price for the land taken from Mexico. However, the difference today in the wealth, prosperity, and freedom in the states formed from the Mexican conquest, compared to the poverty and disorder in the remainder of Mexico, constitutes a good natural-law justification for the original conquest.

For a historical perspective on Palestine we should look back upon Mark Twain's visit to the Holy Land in 1867. It was, he wrote, a land of kites and crows with virtually no signs of human civilization. This devastating blight remained unbroken until the 1890s when in the wake of Russia's pogroms Jews bought land from the Ottoman Turks, and began the incredibly toilsome task of turning an apparently unredeemable desert into the Garden of Eden it eventually became. This process, which owed nothing to the Arabs, was begun before World War I. Here again is a good foundation for a natural-law claim to the Jewish Homeland.

In World War I, the Allies destroyed the German, Austro-Hungarian, and Ottoman empires. But the Czars' empire was on the side of the Allies. Before Hitler, and before the Bolshevik revolution, the Czar was regarded as the greatest enemy of the Jews. Seeking Jewish support was a policy of the Allies even before America's entry into the war. The Balfour Declaration of 1917 must also be seen in this context.

The British made promises to both Arabs and Jews to support the war against the Ottoman Turks. The contribution of the Jewish Legion in Sir Edmund Allenby's army was certainly not less than that of the more celebrated

Arab irregulars under the command of T.E. Lawrence. There has been a large literature on whether the British sufficiently honored their wartime promises. However, out of the remains of the Ottoman empire (outside Turkey) 98% has been fashioned into Arab states, among them Saudi Arabia, Iraq, Syria, and Transjordan. The last was carved out of what had become the League of Nations Mandate for Palestine of 1922, to provide another monarchy for the Hashemites. It remained Transjordan until 1948, when it crossed the Jordan and occupied the West Bank. It was originally regarded as the Arab Palestinian state, while the remainder of the Mandate was considered the Homeland of the Jews. Yet on three separate occasions this remainder was further subdivided to provide a second Arab state in what had been the Palestine Mandate. On each of these occasions the Jews accepted the subdivision but the Arabs did not.

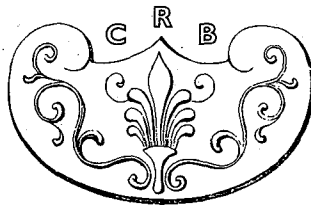
The Holocaust has proved beyond a rational doubt the necessity of a place for persecuted Jews to find refuge. The justification of Israel goes beyond this, however. To compare Israel with the neighboring Arab states—notwithstanding the trillions of dollars of squandered oil wealth—we need to ask the Connecticut Yankee to return to King Arthur's court and remind us of the difference between our own civilization and one untouched by science and democracy, and by the laws of nature and of nature's God.

Please send all
correspondence to:

Claremont Review of Books
Attn.: Letters to the Editor
937 West Foothill Blvd., Suite E
Claremont, CA 91711

Or via e-mail:
crbeditor@claremont.org

We reserve the right
to edit for length and clarity.
Please include your address
and telephone number.



FAILED STATE

Essay by William Voegeli

CALIFORNIA'S PROGRESSIVES ACHIEVED breakthrough victories in the 1910 elections. With some running as Democrats, others as Republicans, and still others disdaining party labels altogether, Progressives won governing majorities in the state legislature. Hiram Johnson, the candidate of the "Lincoln-Roosevelt League," was elected governor, and later became Theodore Roosevelt's vice-presidential running mate on the Progressive ticket in 1912. (One reason Roosevelt carried California that year was the Progressives were powerful enough to keep the Republican nominee off the ballot; President William Howard Taft was forced to seek California's electoral votes as a write-in candidate.)

At next year's parades marking the centenary of the Progressives' triumph, confetti suppliers and marching bands may have to be paid with IOU's instead of cash. California's bonds are rated lower than any other state's; its budget deficit, relative to the size of the state's population, is higher than any other's. The current recession is the proximate cause of California's crisis, but other states devastated by the economic downturn, such as New York and Florida—even Michigan—face choices about taxes and spending that are far less dire. A growing number of observers argue that California's real problem is that it has become ungovernable. Kevin Starr, for example, who just published the eighth volume in his comprehensive history of the Golden State, recently told an interviewer, "In our public life, we're on the verge of being a failed state, and no state has failed in the history of this country."

Rome wasn't sacked in a day, and California didn't become Argentina overnight. Its acquired incapacity to manage its own affairs has been a long, complicated story, with many contributing factors rather than a single villain or tragic flaw. No analysis of California's political demise, however, would be complete without discussing how the Progressive legacy has undermined the state's ability to govern itself.

Hyperdemocracy

ACCORDING TO HISTORIAN ALONZO HAMBY, the framework for Progressive politics was the conviction that the political conflict was between "the people" and "the interests." It followed that the highest political duty was to help the people resist and ultimately triumph over the interests. One problem with this framework is that it lends itself better to the disdain than to the practice of politics. "The Progressives did not like politics," writes political scientist Jerome Mileur, because "the politics they saw was not about the public purpose of the nation, but was instead consumed by local interests and private greed, indifferent alike to the idea of a great community and the idealism of grand purpose."

As a result, Progressivism's anti-politics was designed for the people as they ought to be, not as they really are. Positing that the fundamental choice is between the people and the interests presupposes that the people are authentic only when they are *disinterested*. The Progressives' goal was to equip the people with the means to advance encompassing, lofty ambitions by

thwarting the interests' narrow, selfish ones. The means to this end was to collapse the constitutional space between the people and the government, dismantling the political mechanisms that conferred unfair advantages on connected insiders. As the *New Republic* editorialized in 1914:

The American democracy will not continue to need the two-party system to intermediate between the popular will and the governmental machinery. By means of executive leadership, expert administrative independence and direct legislation, it will gradually create a new governmental machinery which will...itself be thoroughly and flexibly representative of the underlying purposes and needs of a more social democracy.

The California Progressives' reforms included the direct primary, the nonpartisan election of judges, the referendum and initiative, and recall elections. The results, a century later, cannot be what anyone who wishes democracy well had in mind. As journalist Peter Schrag argues in *California: America's High-Stakes Experiment* (2006), the state's people are groaning under the weight of all the weapons they have been given to fight the interests. California, he writes, has

seven thousand overlapping and sometimes conflicting jurisdictions: cities, counties, school districts, community college districts, water districts, fire districts, park districts, irrigation districts, mosquito

abatement districts, public utility districts, each with its elected directors, supervisors, and other officials, a hyperdemocracy that, even without local and state ballot measures, confounds the most diligent citizen.

Hyperdemocracy needs disinterested citizens, but produces uninterested ones. "California has a dozen major media markets," writes Schrag, "where few newspapers and even fewer TV stations recognize the rest of the state, much less pay much attention to it." For all the scrutiny these media devote to state government, the capital city of Sacramento "might as well be on the moon."

Admittedly, Progressivism has a better record of promoting conscientious, congenial, efficacious governance in states with long, dark winters, such as Wisconsin and Minnesota. It's a lot easier to get a respectable turnout for a city council or school board meeting in those states than in one with 840 miles of coastline and 1,100 golf courses open year-round. Victor Davis Hanson, a native Californian, suggests, "Perhaps because have-it-all Californians live in such a rich natural landscape and inherited so much from their ancestors, they have convinced themselves that perpetual bounty is now their birthright—not something that can be lost in a generation of complacency." The recent observation by Ron Kaye, the former editor of the *Los Angeles Daily News*, about the widespread disengagement from politics in the state's largest city applies with comparable force to Californians generally: "Mostly, people have never paid much attention. Life is too good, the sun is too sweet."

Existentialists without Portfolio

TRYING TO APPORTION THE BLAME FOR California's dysfunctional politics between its good climate and bad constitution is, ultimately, more interesting than important. The reality is that the state's hyperdemocracy enables Californians to periodically rebuke the governing class in the manner of *Network*'s Howard Beale: "We're mad as hell, and we're not going to take it anymore!" One of history's little jokes is that these rebukes have, more often than not, been defeats for the *bien-pensant* liberals who are the descendants of California's Progressives. In the last three decades the voters have rejected unlimited property tax increases; public services for illegal immigrants, no questions asked; affirmative action; bilingual education; and same-sex marriage.

What California's hyperdemocracy does not facilitate, however, is the realization of the people's quotidian interest in government that is fair and efficient, that respects their rights scrupu-

lously and spends their tax dollars carefully. Californians who already have lives and jobs are not in a position to make citizenship a parallel career. Among the respects in which all men are created equal is that everyone's week contains exactly 168 hours, regardless of how many public hearings your air quality management district schedules, or how many reports get posted on its website.

Contrary to the *New Republic*'s confident assertion 95 years ago, it turns out that American democracy does need political intermediaries between the people and the government. Such intermediaries are capable of bringing the people's concerns to bear on the thousands of small decisions made every week that determine the success and reliability of the government endeavors affecting them most directly. The Progressive legacy in California renders these intermediaries, especially political parties, too weak to ag-

No analysis of California's political demise would be complete without discussing how the Progressive legacy has undermined the state's ability to govern itself.

gregate and represent the concerns of the vast majority of citizens for whom lives of constant civic vigilance are impossible.

The *New Republic* welcomed the demise of political intermediaries out of the belief that the emerging governmental machinery would do a far better job of representing the people by relying on "executive leadership, expert administrative independence and direct legislation." Each of these mechanisms, however, is problematic. California has demonstrated that direct legislation is a good way for the people to yank the government's leash and thwart its excesses—but too blunt an instrument for managing the innumerable details that control the provision of education, public health, law enforcement, and other essential services.

The Progressives were enthusiastic about executive leadership. As Woodrow Wilson said during the 1912 presidential campaign, "The business of every leader of government is to hear what the nation is saying and to know what the nation is enduring. It is not his business to judge

for the nation, but to judge *through* the nation as its spokesman and voice." The problem, in our federal system, is that the key word in this Napoleonic job description is "nation." Whatever sense Wilson's formulation makes, and whatever appeal it holds, applies to the *presidency*. The idea that governors, mayors, and school board presidents should be the vessels for their constituents' hopes and dreams is ludicrous. People ask their state and local officials to deliver reliable public services and impose low taxes, not to be existentialists without portfolio.

By process of elimination, then, the burden of the hopes for bringing the will of the people to bear on the workings of government comes to rest on "expert administrative independence." It's the worst bet of all. The idea of relying on independent administrators to connect the people to the government is fundamentally contradictory: it's people that administrators are supposed to be independent *from*. The people are not a problem, of course, because "the people"—the hypostasized, disinterested abstraction for which Progressivism was designed—selflessly arrive at all the same conclusions as the independent administrative experts. Indeed, when the leaders lead but people don't follow, when the experts pronounce but people don't assent, the problem can be reliably ascribed to people's failure to live up to their responsibilities as "the people."

In the face of this dereliction, leaders and administrators have the capacity and duty to manifest the "underlying purposes and needs of a more social democracy." What these underlying purposes and needs lie under are the purposes and needs real people express around dinner tables, on the sidelines during their kids' soccer practice, and in voting booths. The way to render democracy more social is thus to render it less political. Leaders and administrators can see through people's imperfect expression of their preferences, and govern on the basis of the Platonic ideal of "the people's" aspirations, which they apprehend more clearly and reliably than do actual citizens themselves.

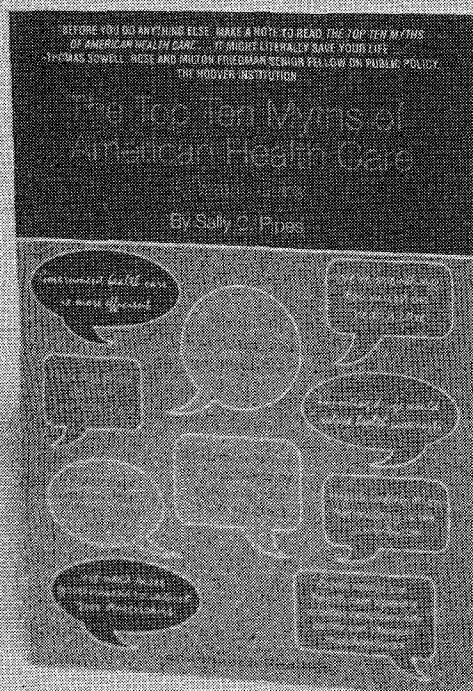
Unionocracy

THE BRIGADES OF GOVERNMENT ADMINISTRATORS who govern in the name of the people have grown more organized and powerful over the past 50 years as unions of government employees have flourished. The history of the American Federation of State, County and Municipal Employees (AFSCME) is instructive. According to the AFSCME website, it was not established out of concern for labor unions' usual preoccupations—wages, benefits, and working conditions. Rather, in 1932 "a small group of white-collar professional state

The Top Ten Myths of American Health Care

A Citizen's Guide

By Sally C. Pipes



Price: \$19.95

"Before you do anything else, make a note to read *The Top Ten Myths of American Health Care*.... It might literally save your life, by checking the political stampede toward a government-controlled medical profession—usually presented politically as universal-health-care."

—**Thomas Sowell**, *Creators Syndicate*

"Americans can only hope that in a bipartisan moment, President Obama picks up a copy of this excellent work."

—**Doug Bandow**, *Washington Times*

"I generally approach the task of reading any detailed analysis of public policy with the apprehension of taking an emetic. Reading *Ten Myths* was however more like eating birthday cake (or other forbidden fruit). The president keeps saying how much he wants debate on his proposals. I think Sally Pipes is ready to give him all, and even more than all, than he might wish on the subject of health care."

—**Harry V. Jaffa**, *the Claremont Institute*

PRI
PACIFIC
RESEARCH
INSTITUTE

To purchase a copy, go to
www.pacificresearch.org

employees met in Madison, Wisconsin," another Progressive stronghold, "to promote, defend and enhance the civil service system." They were concerned about their job security, but in a way that had as much to do with professional dignity and political beliefs as it did with bread-and-butter finances. According to AFSCME, the Wisconsin civil servants "feared that politicians would implement a political patronage or 'spoils' system and thousands of workers would lose their jobs."

The spoils system would not have precluded Wisconsin's white-collar professionals from keeping or regaining their government jobs—but would have decoupled their tenure from their expertise and independence. They would have been forced to demonstrate their ongoing utility to politicians who were, in turn, forced to justify their own utility to the voters. Rather than suffer this affront, AFSCME's founders organized politically, and "saved the civil service system in Wisconsin," inspiring other public employees around the country to do the same. By 1936 these discrete groups were a national trade union, chartered by the American Federation of Labor.

Today, AFSCME claims 1.6 million members, making it one of the country's largest unions, and one of the few that has grown while those based in smokestack industries like automobiles and steel have shrunk. It does not have the field to itself, however. In California, for example, where 179,000 AFSCME members work for state and local governments, slightly more than half of the 193,000 unionized state government employees belong to the Service Employees International Union, which walked out of the AFL-CIO in 2005. The rest of the state's represented employees are divided, for collective bargaining purposes, among a long list of narrowly specialized unions, such as the California Association of Psychiatric Technicians, and the California Correctional Peace Officers Association.

For two decades after it was chartered in 1936, AFSCME's priority remained enacting and strengthening civil service laws. By 1955, though, AFSCME's membership had come to include blue-collar as well as white-collar workers, and its priorities shifted to establishing its right to bargain collectively with states and municipalities over wages and terms of employment. A number of strikes by public employees were needed to win this contested claim. A turning point came in 1958 when the mayor of New York, Robert F. Wagner, Jr., granted collective bargaining rights to unions representing city workers. (Wagner's father, as a U.S. senator from New York, had authored the fundamental law legitimizing labor unions, the National Labor Relations Act of 1935, usually known as the Wagner Act.)

Other states codified the right of public employees to bargain collectively in the following years. California did so in a series of laws passed between 1968 and 1979. It's important to note that strikes by public employee unions played a much bigger role in *establishing* collective bargaining rights than in the exercise of those rights after the unions had been recognized. United Teachers Los Angeles (UTLA), for example, went on strike for five weeks in 1970, only to have the agreement that ended the strike nullified by the courts due to the absence of a state-wide collective bargaining law covering public school employees. The state legislature enacted such a law in 1975, and the only subsequent strike mentioned in UTLA's official history is one in 1989 that lasted 9 days and resulted in a three-year contract with the Los Angeles Unified School District.

Strikes have become rarities in the private sector because strike threats are not believable in industries that are downsizing and face low-cost competition from around the world, and the people on both sides of the bargaining table know it. Strikes have become rarities in the public sector, too, but at a time when those unions have been *gaining* members and strength. Whereas private-sector unions don't strike because it would be injurious, public-sector unions don't strike because it would be superfluous. Having bargaining leverage against the management negotiators across the table is all well and good, but it's radically inferior to negotiating when labor dominates *both* sides of the table. As the Los Angeles teachers union summarizes its prevailing strategy, "UTLA has successfully backed candidates for the school board who have vowed to place top priority on students and the classroom." In low-turnout, below-the-radar school board elections, the union's involvement is rarely less than decisive. Earlier this year it spent more than \$287,000 on behalf of a candidate who easily won an election for one of the seven seats on the L.A. school board.

The state's major public employee unions have all followed this approach, and it has been a tremendous success. Dan Walters of the *Sacramento Bee* says California's "public employee unions wield immense—even hegemonic—influence" over the Democratic majorities in the state legislature. Even more than in most states, gerrymandering in California means that, in the overwhelming majority of districts, competition between politicians who belong to the same party is common and intense, while truly contested general elections between those who belong to different parties are exceedingly rare. Primary elections are the only ones that aren't exhibition games, and nothing matters more in a Demo-

cratic primary than getting endorsed by public employee unions. Those endorsements guarantee two crucial political resources—money and manpower. No other political entity comes close to the unions' ability to produce effective, sophisticated get-out-the-vote campaigns with hundreds of experienced workers. According to the *Los Angeles Times*, the California Teachers Association, the state affiliate of the National Education Association, "has deep pockets, a militia of more than 300,000 members to call on and a track record of making or breaking political careers."

Paying the Piper

CALIFORNIA'S PUBLIC EMPLOYEE UNIONS not only sit on both sides of the bargaining table, but also have it both ways rhetorically. They are happy to act as ventriloquists when the people don't know what to say or think about an endless list of complicated, arcane, and tedious policy questions. It turns out that the people are deeply, *deeply* concerned that the state's public employees have excellent wages, benefits, pensions, and job security. California Democrats, like Democrats everywhere, never pass up an opportunity to express their solicitude for children. When, however, that solicitude recently led to the consideration of ways to enroll more children in state health-care programs, the Democrats' most powerful constituency prevailed against their most vulnerable one. According to Chris Reed, an editorial writer for the *San Diego Union-Tribune*, the unions scuttled an initiative that would have let parents enroll their children in the health programs online "because it might have led to layoffs of clerks at county social-services offices."

It's neither a coincidence nor a surprise, then, that California's government employees receive higher compensation than those in any other state. The Census Bureau's latest figures cover the year 2006, and show that California's local government employees were paid at an average annual rate of \$60,780, 33% above the national average. State employees had average annual compensation of \$65,964, 34.2% above the national average. Many states and regions have lower costs of living than California, reducing the national compensation averages. But California's public workers receive more, often significantly more, than government employees in other states with high living costs. Californians who work for local governments were paid 7.7%, 9.1%, 11.5%, and 21.4% more than their counterparts in New Jersey, New York, Connecticut, and Massachusetts respectively. California's state employees received 8.6% more than Con-

necticut's, 13.1% more than New York's, 19.9% more than those in Massachusetts, and 28% more than Maryland's.

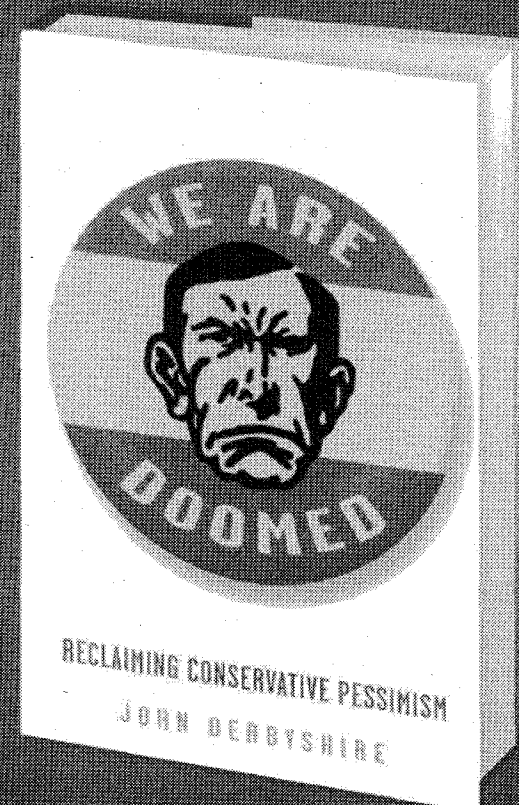
Nationally, 5.4% of the population works for a state or local government, but only 5% of the California population does so. Only nine states have a smaller proportion of their population employed in the public sector. The services rendered by state and local governments are very labor-intensive, so that even if California saves some money by employing fewer workers than other states, it pays out a larger amount by compensating them at higher rates. One analysis, for example, shows that it costs California \$45,000 to keep one inmate in prison for one year, compared to an average cost of \$27,237 for the nation's ten most populous states. As a consequence, Dan Walters argued in the *Sacramento Bee*, the state would save \$4 billion a year by reducing its incarceration costs to the average in the other big states.

Walters's colleague Jon Ortiz recently reported that in 2008 "California state correctional officers made an average \$63,230, more than any other federal, state or local counterpart in the country." Even before factoring in overtime, which increased the pay of the average California prison guard a further 14.9%, the compensation level in California was 53% above the national average. These compensation levels are not happenstance. Ortiz says the California Correctional Peace Officers Association (CCPOA) has "built a reputation for its textbook application of raw political force, fueled with enough money to sway elections and build or destroy political careers." A CCPOA spokesman told Ortiz that the union's 2002 contract, providing a 37% pay increase over five years, better retirement benefits, and fewer restrictions on sick leave, was the best labor contract "in the history of California." What goals the union can't achieve through collective bargaining and politics it pursues through litigation. It's currently suing to secure "donning and doffing" pay," according to Ortiz, "which compensates officers for the time required to put on and take off a uniform, vest and other equipment at the beginning and end of a shift."

Corrections outlays account for 10% of California's state general fund. Apply the same political dynamic to the rest of the state's expenditures, as well as those made by all the cities, counties, and "special purpose districts," and you end up with a public sector that is one of the country's most expensive. The Census Bureau provides detailed information on state and local government finances in each state for a 14-year period, from the 1991-92 fiscal year to 2005-06. By combining that data with the Census Bureau's annual population estimates, and the

"Where will a more intelligent, hence pessimistic, yet sprightly conservatism come from? Here is part of the answer."

—George F. Will, Pulitzer Prize-winning columnist and author of *One Man's America*



A scathing, mordantly funny romp through today's dismal and dimmer political and cultural scene from *National Review* columnist John Derbyshire, *We Are Doomed* reveals that the GOP and our country have been led astray by legions of fools and poseurs wearing smiley-face masks.

AVAILABLE WHEREVER BOOKS ARE SOLD



CrownForum.com

Commerce Department's implicit price deflator for state and local governments, we can compare government expenditures across the 14 years and 50 states. In 1991-92, California's combined outlays by all state and local governments were, on a per-capita basis, the eighth highest in the nation, after six states and the District of Columbia. By 2005-06 they were the fifth highest, behind only Washington, D.C., Alaska, New York, and Wyoming.

Adjusted for inflation, California's per-capita outlays increased by 21.7% between 1992 and 2006; the increase for the other 49 states and the District of Columbia was 18.2%. What's striking is that California is an exception to the pattern we were told to expect in Statistics 101, the regression to the mean. The states where inflation-adjusted, per-capita government outlays grew the fastest between 1992 and 2006 were, generally speaking, ones where those outlays were among the lowest to begin with. Conversely, of the ten states that had the highest per-capita public expenditures in 1991-92, California and Wyoming are the only two that saw those expenditures, adjusted for inflation, grow faster than the national average over the next 14 years.

A few counterfactuals show that these different growth rates matter—a lot. If constant-dollar, per-capita expenditures by California's state and local governments had grown by 18.2% between 1992 and 2006, the rate for the rest of the country, rather than 21.7%, California's public sector would have spent \$10.6 billion less than it actually did in 2006. While California government expenditures grew faster than the national average, even states not famous for the parsimony or integrity of their public sectors, such as New York (16.4%) and New Jersey (12.8%), grew more slowly. If California's outlays had grown only fast enough to keep pace with population growth and inflation from 1992 to 2006, public spending would have been 17.8% less in 2006, \$300 billion rather than \$365 billion. The resulting level of per-capita government outlays in 2006 would have equaled neither Somalia's nor Mississippi's, but...Oregon's, which is rarely considered a hellish paradigm of Social Darwinism.

Expensive and Ineffective

CLEARLY, PAYING YOUR EMPLOYEES MORE than any other state is an excellent way to bend the governmental cost curve upward. The danger, however, is that stray efficiencies might pollute the system and undermine these efforts. Higher payments to retired government workers eliminate this risk. In 1999, just as the dot-com boom was ending, California's state government concluded the good times would go on forever, and passed a law that made the pen-

sion formulas for state employees dramatically more generous, and encouraged municipalities to adopt the same approach. State employees could retire at age 55 with a pension exceeding half of the highest salary they ever received. Public safety workers could retire at age 50 with 90% of their salary. Lifetime cost-of-living adjustments protected the pensions, which were paired with generous health insurance benefits.

Two problems. First, the assurances by officials from the California Public Employees' Retirement System (CalPERS) that a permanent stock market boom would cover the enhanced pension obligations proved immediately, and

Opponents of unlimited government across the country and around the world can boil their arguments against taxes, regulation, and bureaucracy down to one rhetorical question: "Do we really want to run things here the way they do in California?"

ruinously, off base. The state's required contribution to the more generous retirement system in 2008-09 was supposed to be \$379 million, according to the original CalPERS projection. The actual figure needed to cover the amount not generated by the CalPERS investment portfolio was \$4.6 billion.

Second, the same political forces that made the public pension system extravagant keep operating to make it ever more unaffordable. One result is that the portion of the state workforce eligible for the more generous pension benefits available to public safety workers has increased steadily. A law passed in 2002, for example, guaranteed that the chance to retire at age 50 with 90% of salary would be available not just to firefighters and police officers, but also to the dedicated public safety officials who put their lives on the line every day to protect their fellow citizens from wobbly billboards and tainted milk.

Asked to assess his team before the beginning of the season, a basketball coach once said, "We're short, but we're slow." Californians can

draw similar encouragement from the accumulating evidence that while their government is increasingly expensive, it is also increasingly ineffective. The public interest, as interpreted by the government workers' unions, demands no public employee be fired before incontrovertible justification for his termination had been established through an elaborate, prolonged series of fact-finding procedures and hearings. As a result, Californians will apparently have to regard with equanimity the prospect that some, or even many, public employees whose professional conduct ranges from borderline incompetent to borderline illegal will enjoy lifetime job security while crossing off the pay periods before that first pension check arrives.

A recent *Los Angeles Times* series, "Failure Gets a Pass," demonstrated that it is "remarkably difficult to fire a tenured public school teacher in California." Knowing the gauntlet of proceedings and investigations they'll have to run, administrators overwhelmingly opt to live with problem employees, saving their attempts at termination for "the most egregious cases," those involving "blatant misconduct, including sexual abuse, other immoral or illegal behavior, insubordination or repeated violation of rules such as showing up on time." Being a mediocre or even a terrible teacher is rarely a sufficient reason to get the termination process started. Even so, special review panels decide in favor of the teachers in more than one third of all cases.

It's impossible, with so many ways for the process to end or be prolonged, to compute the average duration of a dismissal procedure. One middle school principal estimated the typical time period needed to fire a tenured employee at five years—seven months longer than it took to build the Golden Gate Bridge.

The teachers unions found nothing in the *Times* series to apologize for. "The union is bound by law to defend our members, and we do," A.J. Duffy, the president of United Teachers Los Angeles, told the paper. He allowed that the school district's job is to weed out "failing teachers," but quickly made clear that the union would use its political power to prevent the school districts from acquiring the means necessary to discharge that responsibility. In the wake of the newspaper revelations the Los Angeles school board passed, on a 4-3 vote against union opposition, a resolution asking the state legislature to look into changing state laws to make it easier for school districts to fire teachers accused of serious crimes. UTLA immediately made clear that this defeat was a momentary, meaningless setback, insisting confidently that the state legislature would respond to the resolution only in ways the teachers unions endorsed.

The school district also created a task force to explore the question of assessing teachers' effectiveness. UTLA's abiding commitment to the schoolchildren of Los Angeles led its president to declare, "If I'm comfortable with the composition of the task force, then I'll agree to be a part of it. Otherwise, that issue is going nowhere."

Reality Check

THAT IMPERIOUS THREAT WILL ALMOST certainly prove to be an accurate prediction. The fundamental dynamic of modern California politics is that the permanent government, operated by or at the behest of the public employee unions, can routinely produce outrageous results through outrageous processes—as long as it stops just short of the tripwires that cause the voters to become genuinely outraged. If the permanent government stays inside that perimeter, it can run California pretty much the way it wants to. When it crosses the line, and provokes the state's distracted hyperdemocracy to become focused and angry, the permanent government runs the risk that the voters will reassert their prerogatives and reduce the government's latitude for action.

Earlier this year, for example, the state government's tentative solution to its budget crisis required the voters to enact a typically complex, indecipherable cluster of ballot propositions on taxes and spending. Because the propositions' tax increases were immediate and certain, while their spending restraints were long-term and nebulous, voters were skeptical from the outset. They shifted into outrage mode when reports surfaced a month before the election that leaders of the state legislature, who insisted night and day that the state was broke, had found \$551,000 to give pay raises to legislative staffers. The raises were quickly rescinded, but the political damage was done. None of the ballot measures that mattered secured even 40% of the vote.

It took a while for some parts of the permanent government to realize it had suffered a setback. After the defeat of the ballot propositions the public employee unions took the position that when the voters reject tax increases, the correct response is to press for bigger ones. AFSCME proposed a budget alternative that relied on new taxes designed to augment state revenue by \$44 billion per year, but which did not cut one dollar from a single spending program. It presented its list of tax increases to the Democrats in the legislature with precise instructions: "If you opposed any of the options above, please indicate your reasoning, and your SPECIFIC proposal(s) for achieving similar revenue or savings."

Not even one Democratic politician turned in that homework assignment. Union leaders told the *Los Angeles Times* that they were "appalled" that Democratic leaders were considering serious budget cuts "without first making a stand for bigger, broader tax hikes." The president of the California Federation of Teachers said, "For some reason, they are unwilling to stand up and say 'This is not what I was elected for.'" Nonetheless, according to the story, "even some of the most liberal Democrats" in the legislature said the idea of closing the state's deficit largely or entirely through tax increases ignored the fiscal and political realities, among which was "the reality of an angry public."

Strategies, Left and Right

IN CALIFORNIA, THE POLITICAL STRATEGIES OF both conservatives and liberals concentrate on how to deal with that angry public. The conservative strategy is to get the public angry, and see that it stays angry. Conservative talk-radio hosts compete to identify the latest and most astounding outrage, and to see who can denounce it most stridently. The liberal strategy is, as noted, to avoid rousing that public to anger, but also, when the voters do put on their war paint, to wait for their ire to ebb due to the passage of time and the inevitable reappearance of life's many nonpolitical preoccupations. When the anger has passed, government-as-usual can resume without meddling by citizen-amateurs.

Three of California's last four governors, and six of its last nine, have been Republicans. The politicians who secured those victories immediately found it necessary to cooperate with a dominant opposition party; California is, in every other respect, a state that has been becoming more Democratic for as long as its oldest residents have been eligible to vote. California has not given its electoral votes to a Republican presidential candidate since 1988, or been represented in the U.S. Senate by a Republican since 1992. Of the 53 Californians in the U.S. House of Representatives, 34 are Democrats. In the past half-century, each of the two chambers of the state legislature has seen a Republican majority—once. The GOP's state senate majority endured for two years, the one in the lower house for less than a single year.

The evidence is incontestable: the liberal strategy of waiting for the public's anger to subside is far sounder than the conservative strategy of hoping it will gather strength. The liberal calculation rests on a shrewd assessment, not only of human psychology but also of modern mobility. California is not yet East Germany, which means that one of the ways Californians who are mad as hell can decide not to take it

any more is by moving away. The Census Bureau shows that California, the state that used to be a magnet, has experienced negative "net domestic migration" since 1990. Between 1990 and 2007 some 3.4 million more Americans moved from California to one of the other 49 states than moved to California from another state.

States don't conduct exit interviews, so there's no way to tell how many ex-Californians left paradise because the taxes were too high, the public services too shoddy, and the unions too overbearing. Whatever the tally, one problem for conservatism in California is that the conservative critique of the state's governance argues as strongly for flight as it does for fight. It is possible to advocate a national policy agenda by invoking patriotism, but "state-riotism" is a far weaker sentiment. Indeed, one could argue that the best way not to let California's crisis go to waste is to let it run its course. As public employee unions assert ever more power over the affairs of a state that has steadily worsening economic and political prospects, opponents of unlimited government across the country and around the world can boil their arguments against taxes, regulation, and bureaucracy down to one rhetorical question: "Do we really want to run things here the way they do in California?"

If we could count on vice to be its own punishment, however, the world would have much less of it. When Rudy Giuliani became mayor of "ungovernable" New York City in 1994, he demonstrated that a successful commitment to limited but effective government is far more resonant than affirming that unlimited and ineffective government invariably fails. Some people once hoped Arnold Schwarzenegger would become California's Giuliani. Regrettably, Schwarzenegger's improbable ascent to the governor's mansion in 2003, on the same day the incumbent Democratic governor lost a recall election, proved to be the only spectacular ending Schwarzenegger could deliver without a script and special effects. Other silver bullets, such as the nation's strictest term limits for state legislators, have proven equally disappointing.

Reclaiming California

IF CALIFORNIA IS TO HAVE A MORE CONSERVATIVE future, it's going to result from patient, painstaking attention to political and policy details, not from finally discovering the dramatic transformation that catalyzes a blue state into a red one. Conservatives have gotten most of the mileage they ever will out of efforts to translate Californians' anger into a polling place backlash against the permanent government. For conservatism to revive its fortunes,

and California's, far-sighted resolve will have to do the work that populist outrage cannot. Two connections must be forged for that project to succeed. First, the state's Republican Party will have to break free from the gravitational pull of the Progressive legacy to establish itself as the vital political intermediary between the public's desire for fair and frugal public services, and a newly chastened government that delivers them conscientiously. The historical record clearly establishes that direct legislation and galvanizing leaders are not adequate to this task, and independent administrative experts can be trusted only to sabotage it.

Second, the institutional capacity of the Republican Party will be inadequate to its mission unless it persuades Californians that they have an urgent, abiding, and legitimate interest in reclaiming their government from the public employee unions who have asserted squatters' rights over it. The logic of Progressivism called for independent administrators to discern and implement the people's disinterested, inchoate aspirations for government. Instead, the permanent government has become increasingly adept and brazen at advancing its own private

interest by invoking platitudes about the public's. The vindication of the public's real, as opposed to its faux, interest will require walking back, over several years, the depredations the permanent government has perfected over decades. The public employee unions do not need elaborate PowerPoint presentations to convince their members they'll secure tangible rewards by electing pliable Democrats. Private citizens, however, will have to be shown that the permanent government has forfeited the right to be entrusted with pursuing the people's prosaic but compelling interest in securing effective public services by paying fair, sustainable taxes. The voters will have to be persuaded that these legitimate demands can only be addressed by electing principled conservatives to public offices both prominent and obscure.

A telling, because surprising, place to begin that argument is by contending that the permanent government has disqualified itself from superintending California's welfare state, ostensibly its reason for existence. When parents can't enroll their children in healthcare programs online because it is more important to protect clerical jobs, the humane purposes of

the welfare state are mocked. When teachers unions proudly commend themselves for making it effectively impossible for schools to discipline or fire faculty members who are burnouts and creeps, the endless, cynical talk about putting children first becomes an indictment. If the rhetoric determined the reality of the welfare state, the needs of its clients would always take precedence over the demands of its personnel. It is a scandal that the politicians who ought to be most deeply concerned about using California's tax dollars as efficiently as possible to assist the state's neediest residents are, instead, complacent and often insistent about diverting billions of those dollars to the government workforce. The misgovernment of California has such deep, tangled roots that the anger this scandal engenders will not suffice to rectify it. If that anger is wedded to a determined commitment to reclaim California's government for its people, that mission may yet succeed.

William Voegeli is a contributing editor to the Claremont Review of Books. This essay is part of the Taube American Values Series, made possible by the Taube Family Foundation.



THE CRB WOULD LIKE TO HEAR FROM YOU.

The publisher of the *Claremont Review of Books* and our advertisers would like to know who reads the CRB and what our readers like best about the journal.

Please take our brief survey online and tell us what you think.

VISIT WWW.CLAREMONT.ORG
AND CLICK "CRB SURVEY."

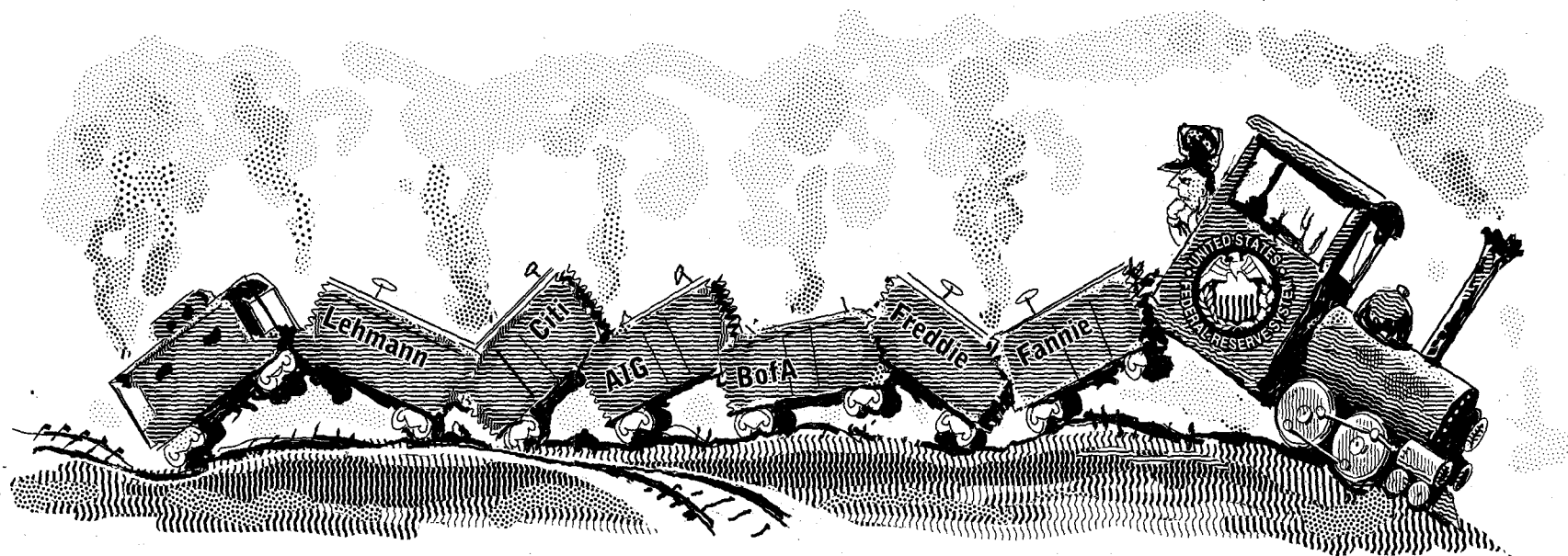


Book Review by James Keller

IS DEREGULATION TO BLAME?

A Failure of Capitalism: The Crisis of '08 and the Descent into Depression, by Richard A. Posner.
Harvard University Press, 368 pages, \$23.95

Getting Off Track: How Government Actions and Interventions Caused, Prolonged, and Worsened the Financial Crisis, by John B. Taylor. Hoover Institution Press, 92 pages, \$14.95



JUDGE RICHARD A. POSNER'S *A FAILURE OF CAPITALISM* gives away its thesis in the title. There are many culprits in this timely book, but capitalism itself, specifically laissez-faire capitalism, shoulders most of the blame for the current financial crisis. Posner claims we are in the midst of a depression caused by a market failure born of the deregulation of the financial sector. Though his history of the crisis is occasionally illuminating, his arguments for increased regulation of the financial sector are unpersuasive.

A federal appellate judge and prolific author, Posner is modest enough to call his book a work in progress and reminds us that we are still learning lessons from the Great Depression. Yet he believes it's not too early for some rather dramatic conclusions: banks are the lifeblood of a capitalist economy, and their deregulation allowed the market failure that caused this depression; therefore they must be more heavily regulated so they cannot wreak such havoc again. Given Posner's reputation as a champion of deregulation, interventionists have seized upon his surprising endorsement of re-regulation—with the loudest hosannas coming from the failed regulators themselves.

Treasury Secretary Timothy Geithner, for instance, has recently called for the creation of a "systemic risk regulator," an entity whose purpose would be to police those financial intermediaries deemed so large or integral that their failure would threaten the entire financial system. Good idea, perhaps, but the job description sounds very much like that of the Federal Reserve Bank of New York, whose mandate is to "foster the safety, soundness and vitality of our economic and financial systems." The head of the New York Fed while much of the recent trouble was brewing? Timothy Geithner.

Had Posner not started with the conclusion that deregulation is to blame, he might have asked whether the crisis was caused by deregulation, or by misguided regulations and inept regulators. It's the kind of analysis he might be good at.

Credit Default Swaps (CDS) take a beating in his book because they are unregulated instruments that played a role in the crisis. Warren Buffet famously called Credit Default Swaps "financial weapons of mass destruction," and George Soros recently said they should be outlawed. Posner uses the Lehman bankruptcy as an example of the dangers posed by CDS:

Suppose bank A had insured Lehman against a loss of \$X, and bank B was insured by Lehman against a loss of \$X. Then A should have given B \$X, rather than both getting entangled in Lehman's bankruptcy. But the bankruptcy was so sudden that the A's and the B's didn't have time to find each other, and so were left uncertain about their position in light of the bankruptcy.

Here Posner is quite specific, and gets it exactly wrong. Using Lehman's collapse to prove that the Credit Default Swaps are instruments of financial havoc ignores what actually happened. Lehman's failure was a perfect storm. Lehman was not only the fourth largest U.S. securities firm, it punched above its weight in fixed income, and specifically in credit derivatives. It was both a huge dealer in CDS and one of the most common reference names to be traded in individual swaps and CDS indexes. Worse, the settlement of Lehman Credit Default Swaps was about as bad as could be imagined. The settlement price determined by dealer auction was a measly 8.625 cents on the dollar, that is, a loss of more than 91

cents on the dollar. This means that of the \$400 billion in Lehman CDS outstanding, Protection Sellers (those long Lehman, i.e., betting that the value of Credit Default Swaps would go up) had to pay \$365 billion to the Protection Buyers (those short Lehman). Before the settlement of those swaps last October, concerns surrounding the payments were widespread. The *New York Times's* Floyd Norris worried that "we do not know how many such swaps are even outstanding, let alone who is on the hook to pay." But settlement was a non-event. Given the widespread trading in Lehman CDS, and the near zero recovery rate, it is remarkable that the CDS market was able to function as designed. More impressively, there does not appear to have been a significant knock-on effect, whereby counterparties to Lehman faced outsized losses; most firms that traded with Lehman seem to have had sufficient collateral.

While it is fashionable to decry the unregulated nature of CDS, the market did its job fairly well because the collateral system among banks and hedge funds insured that most of the money that Protection Sellers would need to pay Protection Buyers was already in place. Posner joins many commentators who seem wholly unaware of these collateral arrangements. His chaotic scramble of a bunch of As and Bs running about trying to identify each other simply never happened.

POSNER MAKES THE SAME MISTAKE THAT then-Treasury Secretary Henry Paulson made last summer when he decided to bail out AIG. While most of the banks that traded with Lehman had collateral against their exposure, most who traded with AIG did not. AIG was the 800-pound gorilla and was able to bully counterparties, often getting away without posting collateral—unless it were ever downgraded, whereupon it would face massive margin calls.

Facing imminent downgrade, and realizing it would not be able to post sufficient collateral to satisfy its contractual obligations, AIG found an equity partner in the U.S. taxpayer. We know a large part of the taxpayer's investment went to satisfy the "margin calls" of banks and brokers to whom AIG had sold protection. We also know that Goldman Sachs, Paulson's old firm, got the biggest slice of the pie.

Paulson apparently believed that if AIG failed, the stress to the system would be too great and systemic collapse would follow. Posner shares this view of the system's fragility—thus his call for more regulations. AIG's unusual arrangement became a metaphor for the whole system. But AIG's collateral arrangements were the exception, not the rule.

There is a widespread view that the derivatives market is the Wild West, and that it is nobody's job to know who owes what to whom.

Many seem to believe there are vast exposures lurking undetected by regulators. This view is nonsense. The Office of the Comptroller of the Currency (OCC) publishes a Quarterly Report on Bank Trading and Derivatives Activities that lists this information for the nation's largest banks, the top five of which represent 96% of the total amount. Want to know the volume of credit derivative contracts entered into by the Regions bank of Alabama? It's in Table 12.

Posner does a better job of introducing what many have called the "shadow banking system," that complex interplay of banks, hedge funds, structured investment vehicles, mono-line insurers, and derivative products companies. He points out, correctly I think, that there is not all that much difference among these various actors in providing credit intermediation. A hedge fund that is selling protection via a CDS is providing credit much the same way that a bank is in making a loan.

Richard Posner is so sure
that deregulation caused
the crisis, he hardly
bothers to offer any
evidence that it did.

I think Posner is correct that in their essential credit creating capacity it makes little sense for banks, insurance companies, and hedge funds to be operating under vastly different regulatory regimes. Banks are regulated by the Fed, the OCC, the Office of Thrift Supervision, the FDIC, and state regulators. Each state has its own insurance regulator. And hedge funds, as we hear again and again, are barely regulated at all. It seems clear that the regulatory structure is inefficient and likely to be gamed. It is and it was. But surprisingly for an astute observer like Posner, he seems to miss the main point: the high correlation between the level of regulatory scrutiny and the contribution to the credit crises.

Back in 2006 there was a general recognition that credit was too easy to obtain, whether for housing, commercial real estate, consumer finance, or corporations, and trouble of some sort would surely strike. At the time the dominant view was that the future would be a replay of the Long-Term Capital Management (LTCM) crisis. In 1998 the Federal Reserve Bank of New York had organized a bailout by LTCM's largest creditors to avoid collapse in the financial markets. The anticipated chain of events was a large hedge fund failing and taking down its lenders in a chain reaction. Instead, the banks failed,

threatening the hedge funds. The rush to re-regulate ignores the reality that the least-regulated entities in the system—hedge funds—fared far better than the highly regulated entities like banks and insurance companies.

One would have expected this negative correlation between regulation and success in weathering the storm would have leaped out at Posner. It is the type of interesting insight he normally pounces on. He does notice that hedge funds fared a good deal better than banks, but rather than explore this interesting point, he uses the Bernie Madoff affair as further proof of the need to regulate hedge funds.

The lessons from Madoff seem very different from the ones Posner wants to draw. First, in a nation with over 8,000 hedge funds managing more than \$1.3 trillion, cases of undetected fraud like this one appear to be extremely rare. Second, it is now well known that the SEC had clear warnings of problems with Madoff's funds—whistles were blown—but failed to act on them. In fact, the relatively good performance of hedge funds in general could force the conclusion that the informal networks regulating hedge funds—the scrutiny of funds of funds, outside consultants employed by pension fund investors, credit departments of bank lenders, and rigorous internal risk management—did a far better job sniffing out risk than the regulators keeping watch over banks.

Posner is so sure that deregulation caused the crisis, he hardly bothers to offer any evidence that it did. It didn't. There are really no linkages between specific deregulatory actions and the current crisis. Unfortunately, his admonition to go slowly in crafting new regulations is likely to be ignored, and the failed regulators are busy drafting new rules to cover past incompetence. To the extent Posner provides ammunition for the re-regulators, he does us all a disservice.

WHAT FEW COMMENTATORS HAVE questioned with any rigor is, why did banks become so heavily exposed to these housing risks in the first place? A more complete analysis would look more closely at the types of risks taken by the banks that fell into trouble. Overwhelmingly they lost their shirts on low-yielding, highly rated securities that exposed them to "tail risks," supposedly small chances of horrific outcomes. Because such supposedly safe securities had low yields, the banks needed to commit massive amounts of funding to buy them. They were thus exposed to a small, but it turns out, not *that* small, chance of total failure. Why did they own this stuff? Why did the regulators let them own this stuff?

Banks owned these disastrous securities because, in large measure, the risks were rated AAA. Therefore, in the economy of both the bankers and their regulators, they did not have

to hold much capital against the securities. AAA securities that yielded 30 or 40 basis points of net interest margin were attractive to banks only because the regulatory regime allowed enormous leverage on such highly rated securities. It was called "regulatory capital arbitrage," and it was a disastrous game, but it was a direct response to a regulatory environment where risk assessment was outsourced to the rating agencies.

Owning huge amounts of high rated, low yielding assets—in retrospect a doomsday trade—was a direct response to a regulatory regime that mandated capital requirements based on ratings. It was not a failure of regulation to detect or prevent excess leverage. Leverage grew in response to foolish regulations.

The government's paw prints are all over this crisis. The effective duopoly enjoyed by Moody's and S&P is and was a government construct. U.S. Security and Exchange Commission (SEC) rules endorsing Moody's and S&P as "Nationally Recognized Statistical Rating Organizations" were only recently amended to broaden the field. Imagine a world where ten or twelve rating agencies competed freely. Much has been made of the fact that issuers pay for their own ratings. This is not ideal; but the real problem stems from the SEC's anointment of only a few.

JOHAN B. TAYLOR'S SLIM COLLECTION OF ESSAYS was rushed to market, but we should be thankful that it was. Both Posner and Taylor charge Alan Greenspan (chairman of the Federal Reserve, 1987–2006) with primary responsibility for the housing bubble. Taylor, a professor of economics at Stanford University and senior fellow at the Hoover Institution, provides compelling evidence to support the charge. Greenspan himself has of course denied any responsibility for this, pointing out that there was a global savings glut that contributed to massive inflows into many asset classes, including housing.

Taylor will have none of this. In a simple and cogent analysis, he shows that there is no evidence to support the global savings glut theory, and then demonstrates that the housing bubble was highly correlated, both here and abroad, with deviations from less discretionary approaches to monetary policy such as the Taylor Rule.

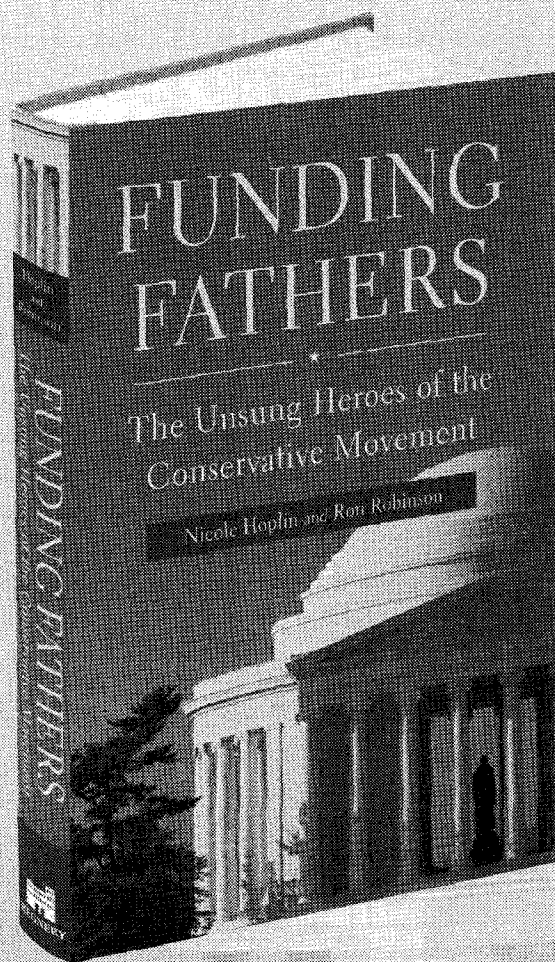
The Taylor Rule (named after him) is a simple monetary policy rule that prescribes how a central bank should adjust its interest rate policy in response to inflation and macroeconomic activity. If the Fed had followed such an algorithm, it would have started raising rates at the start of 2002, over two years before Greenspan actually began to hike them. Taylor demonstrates concretely what others have suggested with less evidence. The decision to leave rates below 2% between 2002 and 2005 was a direct contributor to the contemporaneous overinvestment in residential housing. He argues that this excessively

★ “A must-read for donors to the Conservative Movement”

—75th U.S. Attorney General Edwin Meese III
★

Contained in the pages of this book by Young America's Foundation's Nicole Hoplin and Ron Robinson are the stories that have rarely been told by the media... They are the stories of the vibrant lives of people who stood behind some of the Conservative Movement's brightest moments, and who received little recognition or gratitude from the Movement or the country they shaped over the years. More importantly, they are stories of how the most significant books, institutions, and leaders came to be...

Order
Your Copy
Today!



“The mainstream press can be held responsible for one of three actions when it comes to stories (or lack thereof) about conservative philanthropy. It either:

- (a) ignores a great gift given altogether,
- (b) vilifies the gift and its significance, or
- (c) misinterprets and misreports the gift in a way a donor would not intend for it to be remembered.

If conservatives rely solely on the media for gift-giving reinforcement, they will seldom take the steps necessary to propel the Movement forward...”

Purchase Funding Fathers today—essential reading for those who want to know the inside story of the Conservative Movement and learn about its largely unheralded heroes.

Available online, in bookstores
everywhere, or at www.Regnery.com.

Since 1947
**REGNERY
PUBLISHING, INC.**
An Eagle Publishing Company • Washington, DC
www.regnery.com

cheap money was a chief cause of the housing bubble. His graph showing that across Europe deviations from the Taylor Rule are highly correlated with excessive investment in housing stock is particularly convincing.

Taylor, like Posner, goes easy on Greenspan, faulting him for essentially analytical errors: keeping rates too low for too long, overestimating the risk of deflation. Neither author mentions the political debate from that time. Was Greenspan giving too much consideration to the dynamics of the election cycle? Recall that in 2003, with the George W. Bush and John Kerry campaigns in gear, many were predicting, correctly it turned out, that Greenspan would be reluctant to jack rates until after the election. He would try not to do to Bush 43 what some had accused him of doing to Bush 41, namely, undermining his reelection with a tight monetary policy. As Greenspan the Maestro begins more and more to look like Greenspan the Fumbler, rules look more attractive, and the Taylor Rule seems better than most.

Taylor points out that, in the crisis of '08, the government initially misdiagnosed the problem as one of insufficient liquidity (not enough money in the system) rather than counterparty risk (financial institutions being fearful of dealing with one another because they did not know who might be the next Lehman). The government's rush to provide liquidity through various funding facilities missed this important distinction, and wasted precious time.

Worse, the federal government exacerbated the crisis by "supporting certain financial institutions and their creditors but not others in an ad hoc way, without a clear and understandable framework." Bear Stearns failed, Fannie and Freddie got rescued, Lehman was allowed to fail, Washington Mutual failed, AIG got rescued. None of it made sense at the time; none of it makes sense in retrospect.

Taylor looks for guiding principles in these bailouts and, finding none, criticizes the government for not having a predictable framework for intervention. He calls for the development of a framework for exceptional access to government support. Certainly it has been painful watching Paulson and Geithner simply winging it.

Taylor suggests that we look for guidance to the International Monetary Fund (IMF) which, after a tumultuous string of emerging market crises in the mid- to late 1990s, adopted in 2003 an "exceptional access framework," allowing for the restructuring of debts in preference to continual IMF bailouts. The example seems appropriate. The linchpin of the IMF framework is that bondholders in emerging markets debt now face the prospect of severe restructurings if the countries' policies head off track. The IMF will not always be there, and creditors face the real threat of having their holdings diminished. Consequently, creditors police the economic policies of nations to whom they lend. The tragedy of our bailout is that the bondholders of the most reckless banks now apparently hold obligations that are virtually government-guaranteed. So while Citibank's stock is still down more than 90% from its high, Citibank's bonds are trading close to full face value.

By advocating a new framework, Taylor implicitly supports incumbent regulators who claim they lacked the tools and the authority to deal with these faltering financial behemoths. But do we need a new framework? Current regulations require that such institutions be put into receivership. That *was* the framework; in the panic of last fall it was abandoned.

A POPULAR CURRENT VIEW IS THAT THE Lehman experiment with market discipline was a disaster. Taylor correctly argues that, after Lehman's collapse, the threat to the system was uncertainty. Who would be

next? At that point there was a need for regulators to identify which financial institutions were healthy, and which were not. Regulators missed this opportunity, markets unraveled, and beginning with AIG those deemed too big to fail got bailed out.

In retrospect, it appears that the regulators failed to separate the strong from the weak because they simply did not know which was which. The fact that Geithner was initiating stress tests on the nation's 19 largest banks in the first quarter of 2009 surely points to massive regulatory incompetence. What in the world had he been busying himself with beforehand? Apparently, before April 2009 regulators did not know which financial institutions could weather a 25% downturn in home prices and an unemployment rate above 10%. These same folks now want more authority.

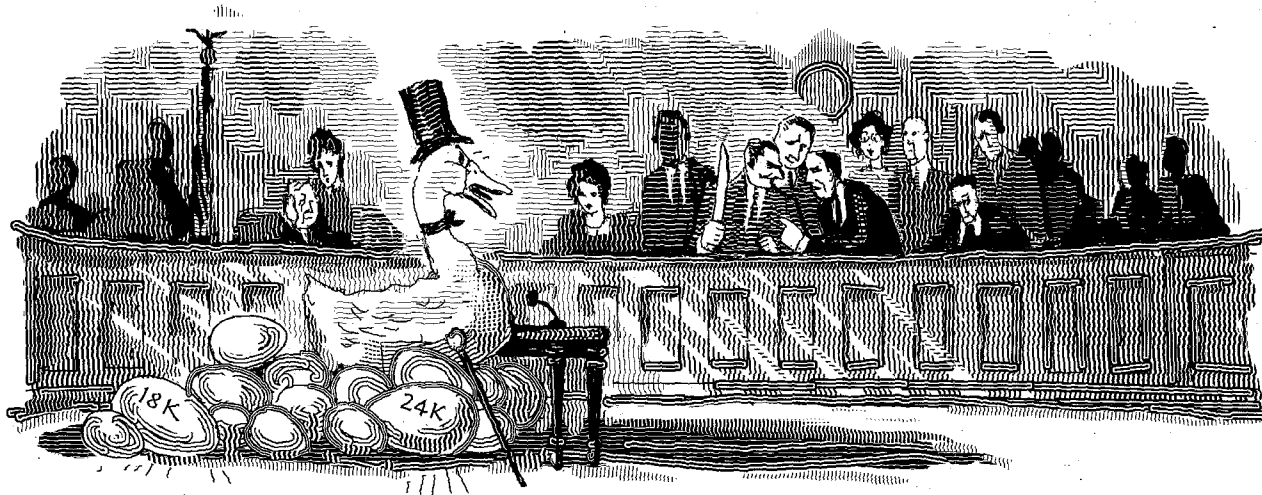
It was, and is, the *primary* responsibility of regulators to know which banks have insufficient capital to weather expected and unexpected economic upheavals. As the unexpected becomes likely, regulators have a duty to protect the system by shuttering the weakest players and, if necessary, fortifying the strongest so that systemic collapse is not a realistic threat. We don't need new regulations or a new framework to accomplish that.

The Obama Administration's latest proposals for financial reform seem to envision a superhuman regulator who will catch excesses before they occur. This is naïve. Regulators need not be heroes if creditors have an interest in being vigilant; and creditors will have such an interest if recklessness faces the penalty of real loss. Unfortunately, we have just assured all creditors that their interests will be protected, no matter how reckless they are.

James Keller is a former head of structured products at UBS.

Essay by Carl J. Schramm

CAN DEMOCRACY SURVIVE CAPITALISM?



JOSEPH SCHUMPETER OMINOUSLY SPECULATED that as capitalism succeeded, democracies in time would come to expect its end (wealth) but reject its means (free-market competition). He worried that because of the inequality and creative destruction it brings, capitalism would provoke a kind of adverse reaction. A popular call would arise for government to plan market outcomes according to some utopian view of society's good, and this democratically guided central planning would inevitably slow economic growth. Schumpeter predicted, in turn, that if economic expansion faltered, individual liberty would be directly imperiled or quietly ceded by citizens resigned to having their diminished economic position protected by the state.

Capitalism as a conception of economic order is still a young idea, perhaps dating from 1776 when Adam Smith described its nature—though curiously the term itself is a gift of Karl Marx. Of all secular ideals it probably has been the most powerful, apart from democracy itself. To Smith the idea was mostly utilitarian—it described an objective reality and set down what have proven to be accurate prescriptions for its continued success, e.g., that free trade with the world yields increased wealth at home. He embraced capitalism as the single most likely way to expand human welfare and commended it enthusiastically to mankind. Marx's counteranalysis, skillfully dressed for its times in scientific language, might be said to have been more politically influential than Smith's. Only a few decades ago, well over half the land

mass of the world was in the hands of Marxist regimes. While only five formally Communist countries remain, the world seems hardly done with Marx.

For one thing, though Marxist influence on Progressivism is unknown or denied by modern believers, the historical chain of descent is clear. Its intellectual carriage was the transplanted notion of German socialism that was part of the DNA of Johns Hopkins University at its founding. America's first German-model research institution—the first to provide doctoral study—was Woodrow Wilson's cradle. His Ph.D. thesis famously pronounced the Constitution's checks and balances antique and unsuited to a modern democracy. The University of Wisconsin under Richard Ely, John R. Commons, and Frederick Jackson Turner (all schooled at Hopkins) became the nursery of Progressive ideas as applied to real world politics, which in the state's "legislative laboratory" became known as the "Wisconsin Idea." Robert LaFollette, Victor Berger, and other politicians were intent on creating a socialist polity, not surprisingly in the state with a substantial German immigrant population. Wisconsin supplied more manpower to the New Deal than any other university. In turn, the New Deal philosophy later found its permanent home in university schools of public policy.

This intellectual history may seem superfluous because utopian political movements seldom reference antecedents. They advance by covering their own tracks. And they cynically appeal to emotions, inflaming the envy and misplaced

sense of justice that drive demands for the redistribution of wealth. Of course, the practical pursuit of redistribution usually ends up enthroning a mostly well-to-do intellectual elite who enlarge the powers of the state and advance their own social and economic status.

This result was anticipated by Schumpeter and detailed by political scientist Mancur Olson in his classic book *The Logic of Collective Action* (1965). Olson developed "capture theory" beyond the regulatory context, applying it to the larger arena of government appropriations. Regulatory captures are relatively straightforward and self-limiting: a regulatory agency becomes a prisoner of the industry it's supposed to be regulating, and turns into advocate and patron. Olson's second kind of capture involved interest groups' laying claim to an expanding federal budget for outright payments of federal monies—a more unlimited danger. Thus, many groups pressing a grievance in the name of democracy find funding for their collective activities—including asking for money!—from government itself. Together, these two types of capture have caused a kind of sclerosis that is undoing democratic capitalism.

A Benign Autocracy?

SEVERAL NEW BOOKS CONTINUE THE DEBATE over capitalism and democracy in revealing ways. Thomas Friedman seems to fulfill Schumpeter's and Olson's gloomiest apprehensions. According to Friedman's *Hot, Flat and Crowded: Why We Need A Green*

Revolution—and How It Can Renew America, democracy itself is the problem. This environmental jeremiad is more precisely about how democracy cannot solve the interrelated environmental and population crises in which we are enmeshed. Friedman, a Pulitzer Prize-winning columnist for the *New York Times*, argues that democracy—or, rather, American democracy—allowed the horrendous problems of an overpopulated, globally trading, and warming world to emerge. Our free market, unfettered by smart bureaucrats, made the world what it is. And what is it? Ted Turner, who “is not a scientist,” is quoted as authority (among endless other friends of the author) when he tells Charlie Rose what the essence of the world’s problem is: “Too many people are using too much stuff.” This is what happens in free market democracies, Friedman tells us—an unacceptable mess ensues when there are no expert overseers to direct our affairs. Certain rich people, of course, should be left free to use their private planes to fly to New York to tell Charlie that if other people would stop aspiring, our planet would be livable once more.

Friedman’s book belongs to the long line of alarmist literature that is by its very nature utopian. Not because it sounds the alarm (many crises real and speculative merit alarm) but because of its restoration perspective. “If we want things to stay as they are [my italics]...things will have to change around here, and fast.” In Friedman’s view, we need experts to help decipher our crises. Democratically elected leaders are no longer equipped or competent to interpret or shape the new order. Charismatic leaders without office “are critical; they draw attention and passion to an issue.” But even people like Al Gore, who plays a major role in the book as an “eco-star,” make a difference only if they are followed up by “revolutionary bureaucrats.” These heroic types, courageously working at their desks, “with the flick of a pen, can change how much electricity fifty million air conditioners consume or how much diesel a thousand locomotives guzzle in one year. That’s revolutionary.”

Friedman points admiringly to the ability of totalitarian states to override the desires of their subjects. He quotes the CEO of General Electric lamenting, “Why doesn’t America have a government that can just put all the right policies in place to shape the energy market?” This classic statement of business self-interest prompts a late-night “mischievous” reverie by Friedman: “If only...If only America could be China for a day—just one day. *Just one day!*” Experts—actually, revolutionary bureaucrats—could lay down the new order via permanent

regulatory directives. The world would be set right, as it was and should be. The future would look like the acceptable past before too many people started using too much stuff.

In the end, this is a backward looking, confused book. It traffics in the vocabulary of the future, but its message is hopeless unless we plan to discard the Constitution and representative democracy. In Friedman’s view, we’d be better off environmentally if intellectual elites could rule us in a benign autocracy. And it likely would be benign, because intellectuals are...so nice.

Books discussed in this essay:

The Logic of Collective Action: Public Goods and the Theory of Groups, by Mancur Olson. Harvard University Press, 186 pages, \$24 (paper)

Hot, Flat and Crowded: Why We Need a Green Revolution—and How It Can Renew America, by Thomas L. Friedman. Farrar, Straus, and Giroux, 448 pages, \$27.95 (cloth), \$16 (paper)

Imagining India: The Idea of a Renewed Nation, by Nandan Nilekani. Penguin Press, 528 pages, \$29.95

Capitalism With Chinese Characteristics: Entrepreneurship and the State, by Yasheng Huang. Cambridge University Press, 366 pages, \$30

How Rich Countries Got Rich... and Why Poor Countries Stay Poor, by Erik S. Reinert. PublicAffairs, 320 pages, \$25.95

Messy Capitalism

TWO EXTRAORDINARY BOOKS BEG TO DIFFER. Nandan Nilekani’s *Imagining India* refutes much of Friedman’s pop wisdom that democracies cannot be counted on to control population growth and pollution as these need to be controlled. Nilekani, a co-founder of the global software outsourcing giant Infosys, presents a beautifully written systematic treatise on the promise democracy holds for a country that Friedman sees as hopelessly overproducing people and pollution. What looks to Friedman like chaos that must be centrally managed by gov-

ernment experts appears to Nilekani, who actually helped shape his country’s emerging market economy, as the kind of democratic messy capitalism that can solve problems. Indeed, the book unabashedly celebrates democracy as the means by which opposing views can be debated and settled. Seeing the promise that free markets hold in the face of what is plainly failed socialism, the author is certain that capitalism will win out precisely because democracy coexists with the freedom that individuals need to make markets work. Nilekani’s understanding of the relationship is sensitive and sophisticated. Although he professes admiration for Friedman, he proposes in elegant, powerful prose a frontal challenge to the revolutionary bureaucrat:

It is true that India is a young democracy, saddled with the problems of inexperience, and that it has endured ineffective, populist governments. But the flag-carriers for authoritarian rule should remember that such power is always more dangerous than it is worth. An authoritarian system is always susceptible to tyranny and abuse—it is as likely to produce a Robert Mugabe as a Deng Xiaoping. It also creates errors that cannot be easily corrected, as we have seen in China’s response to environmental issues and population growth. The democratic system, despite its flaws, is its own cure—in its guarantee of liberty for all people, irrespective of background and wealth, it offers the real drivers of change that can help overcome entrenched interests, inequities and centuries-old divisions.

The facts are with Nilekani. And he has the knowledge that comes of one’s own labors. Infosys is iconic in contemporary India just as IBM, Boeing, and Microsoft have been in the commercial and social history of the United States. To millions of Indians, particularly its vast population of young people, the firm symbolizes the capacity to develop world-class human capital assets and to mount a commercial challenge from within a country that development experts said couldn’t compete on the world stage. In the face of resistance from the government’s economic planning apparatus, Infosys emerged because of its ingenious exploitation of global technology, most especially communications. The globalization that Friedman frets over was critical to the Indian rebirth.

Friedman’s other worries seem feeble as well, as Nilekani’s story unfolds. To anyone at all familiar with correlations between income, health status, and family formation, it is not surprising

that as India becomes richer its birth rate declines. And as Nilekani suggests, with expanding wealth, India eventually will be able to afford to attend to environmental issues. Already, Mumbai demonstrates that sensible, incentive-based environmental regulation can effect enormous improvements in air quality. One eagerly awaits the American entrepreneur or politician capable of writing such a balanced, enlightened book imagining our future.

China for a Day

ALAS FOR THOSE WHO WOULD SUSPEND democracy even for a day, *Capitalism With Chinese Characteristics: Entrepreneurship and the State* makes a powerful case that the China Friedman admires is a chimera. Yasheng Huang teaches international management at the Massachusetts Institute of Technology. In every regard, his book is an example of diligent scholarship. It disturbs American intellectuals' construct regarding China's economic success, and it leaves the reader with a definite sense that running America on the Chinese model would not be such an attractive idea. Among other things, it would not put us on our way to a cleaner environment.

The book describes how in the aftermath of Deng Xiaoping's relaxation of state control of enterprise, a wave of both entrepreneurial activity and democratic self-rule began to emerge throughout China. The ruling elites, driven by concern for the unforeseeable consequences of these developments, launched a program that forced commerce to the easily regulated cities and starved rural areas of capital and government resources. The gleaming cities of China represent the universal drive of bureaucrats to develop regulated, planned environments. As Huang shows, these cities are underperforming

economically while the countryside, potentially a much bigger generator of wealth, plummets in income, health status, and literacy. Moreover, in the cities state-sanctioned corruption has arisen, another reliable by-product of a planned economy. Nonetheless, Huang assembles persuasive evidence that growth unsettles autocratic rule.

Thus China emerges as an underperforming economy relative to its potential. Comparing China's economic performance to India's, Huang notes that India has a significant advantage in its "soft infrastructure," that informal set of human capital assets, including the freedom to communicate, that result from India's commitment to democracy. In the end, he sees India as the better performer, a conclusion much at odds with the prevailing view of Western experts.

Getting Rich, Staying Poor

IN EACH OF THESE BOOKS, THE TENSION BETWEEN rural and urban economic activity appears endemic to both successful growth and the propensity to embrace a more or less democratic order. Friedman is sometimes Jeffersonian in his suspicion of city life. Nilekani speaks of India's passage from a similar suspicion of cities to understanding the city as an engine of innovation and locus of social networks. Huang traces China's purposeful tilting of opportunity toward cities to the rent-seeking schemes of political elites. Who would have thought, in the age of the internet, that such issues would appear so important to the balance between capitalism and democracy?

Finally, in his difficult but thought-provoking *How Rich Countries Got Rich and Why Poor Countries Stay Poor*, Erik S. Reinert argues that George Marshall was the last to have the urban-rural relationship about right when he conceived of German postwar recovery. Reinert, who

teaches at Tallinn University of Technology in Estonia, argues that what development economics advances as axiomatic rules of growth have no basis in theory or experience. As a result, many countries, shaped by the Washington Consensus and its successor, the Millennium Goals, have had their development retarded. The implicit message of the development experts is that the underdeveloped cannot emerge. (Reinert comes close to attributing racism to the cadre of international officials who oversee the distribution of aid from the developed world.) The fear of cities and their chaos clashes, in the minds of development experts, with the urge to establish centrally planned economies, which implicitly seek to concentrate economic activity. The result is programs of aid that prove ineffective and, worse, supportive of non-democratic regimes. He considers the ability to develop mixed urban-rural economies as central to stable nation-building, but sees no champions for this option in either international bureaucracies or Economics departments.

Reinert points to the unstated conclusion that the development community is at best ambivalent, and more likely hostile, to capitalism and growth. If democracy seems to accompany capitalism and to allow growth with all its dire environmental and other consequences, then perhaps the experts conclude that democracy, too, will have to go. Schumpeter would not be surprised.

Carl J. Schramm is president of the Ewing Marion Kauffman Foundation and author of *The Entrepreneurial Imperative: How America's Economic Miracle Will Reshape the World* (Collins) and co-author with William Baumol and Robert E. Litan of *Good Capitalism, Bad Capitalism, and the Economics of Growth and Prosperity* (Yale University Press).

Book Review by Colin Dueck

THE END OF THE END OF HISTORY

America Between the Wars: From 11/9 to 9/11, by Derek Chollet and James Goldgeier.
Public Affairs, 432 pages, \$27.95 (cloth), \$16.95 (paper)

Clinton's Foreign Policy: Between the Bushes, 1992–2000,
by John Dumbrell. Routledge, 240 pages, \$115

The Second World: How Emerging Powers Are Redefining Global Competition in the Twenty-first Century,
by Parag Khanna. Random House, 496 pages, \$16 (paper)

The Next 100 Years: A Forecast for the 21st Century, by George Friedman.
Doubleday, 272 pages, \$25.95

The Return of History and the End of Dreams, by Robert Kagan.
Knopf, 128 pages, \$19.95 (cloth), \$13 (paper)



IN THE DECADE AFTER THE COLLAPSE OF SOVIET Communism, traditional patterns of great power rivalry appeared to have ended. In the 1990s, Bill Clinton half-heartedly pursued a foreign policy strategy of “democratic enlargement,” premised on the idea that an expanding circle of market democracies would bolster American security and prosperity. Though George W. Bush came to office promising a more modest U.S. foreign policy, after September 11 he embraced a “forward strategy of freedom” more ambitious than Clinton’s. Both the Clinton and Bush versions of democracy promotion were variants of Woodrow Wilson’s belief that the spread of democracy and free markets would transform the international system in the direction of American values and lead to a new unchallenged liberal hegemony—the end of history, as Francis Fukuyama memorably argued.

As it turns out, today’s rising and resurgent great powers maneuver for advantage in ways that would have been quite familiar to 19th-century statesmen. Several new books show that

this pattern did not begin under Bush but under Clinton, however much it was ignored at the time and since.

The 1990s had the feel of an interregnum, even at the time. The end of the Cold War, the apparent absence of a focused threat, and the relative lack of major crises all led to a sense that U.S. foreign policy was experiencing an in-between period, lacking definition and drama. The world was now “uni-multipolar,” in Samuel Huntington’s phrase, with one preponderant global power along with several major powers of primarily regional importance.

The fact that great power competition under the new system was more subtle and subdued led many Americans to conclude that such rivalry had ended. The Clinton Administration’s foreign policy presupposed that “new issues” such as trade, interdependence, and humanitarian intervention took precedence over great power politics. The story is capably told by Derek Chollet, a former Clinton State department official, and James Goldgeier, a professor of political science and international affairs at

George Washington University, in *America Between the Wars*, and by John Dumbrell, a Durham University professor of government and international affairs, in *Clinton’s Foreign Policy*. Both books achieve a welcome degree of historical distance, balance, and seriousness on their subject. Chollet and Goldgeier’s book is the more engaging of the two, Dumbrell’s the more academic.

AS THESE AUTHORS POINT OUT, BILL Clinton came into office without much of an appreciation for national security issues. His chief foreign policy focus, insofar as he had one, was economics and globalization. He recognized that trade was fundamentally good for American interests, and took real political risks to secure the passage of worthwhile agreements like NAFTA. But as opposition to trade and globalization built overseas and in the Democratic Party’s left wing, he backed off and allowed trade talks to drift. Even more disturbing was his handling of international crises such as Bosnia. After criticizing George H.W. Bush

during the 1992 election season for failing to act against Serbian aggression in Bosnia, once in office Clinton failed to act, too. Yet unlike Bush, he tied American credibility to events on the ground by repeatedly condemning the Serbs and outlining "unacceptably" immoral outcomes. The gap between stated U.S. goals and concrete commitments to secure those goals was agonizingly apparent for a period of over two years. Only when events forced his hand in summer 1995 did Clinton finally use airstrikes and covert aid to hammer the Serbs into an uneasy peace agreement.

One of the remarkable features of the Clinton era was the way in which party lines flip-flopped on questions of U.S. intervention overseas. In part, this was due to the interventions at issue—Haiti—where compelling U.S. strategic interests were hardly obvious. But it was also due to genuine confusion as to what sort of role the U.S. should play abroad after the collapse of the Soviet Union. The Republican congressional majority that came to power in 1995 was often described as isolationist, sometimes by fellow Republicans. Chollet and Goldgeier have a better feel than Dumbrell for the domestic political debates and considerations surrounding Clinton's foreign policy, and are particularly good at sketching the differences within each political party. But even they fail to grasp entirely the GOP's international policy concerns during the 1990s. To put it simply, Contract-with-America Republicans were not isolationists. They sought to maintain America's military supremacy while placing limits on dubious new financial, strategic, and multilateral commitments overseas. These were not unreasonable goals, and were in fact well suited to the times.

END OF HISTORY OR NOT, GEOPOLITICAL competition continued between the United States, Russia, China, and other major powers in the 1990s. The very fact of U.S. military and political predominance obscured the extent to which both globalization and great power peace depended on American power. Clinton himself had no special feeling for the realities underlying international peace and security. His management of relations with China, Russia, and India was uneven at best. Sino-American relations, especially, were erratic, as the president cycled between an emphasis on human rights and trade, without a clear strategy in either case. Both of these books overstate Clinton's credit for broad success in foreign policy. Dumbrell's high praise of the 2000 peacemaking efforts at Camp David, in particular, is quite misplaced. With Israeli and Palestinian negotiating positions as

far apart as they were, why stake American credibility on a high-stakes, probably futile effort to leapfrog all remaining differences?

Clinton's debacle in Somalia was also inexcusable. In most cases he was cautious rather than bold on foreign policy, a "soft" Wilsonian. This caution prevented him from making aggressive mistakes of world-historical importance; mostly he muddled through eight years under exceptionally favorable geopolitical circumstances, and usefully showed that a post-Cold War Democratic president would not dismantle America's overseas alliances.

George W. Bush was elected in 2000, promising greater toughness toward America's adversaries and greater prudence regarding military intervention overseas. He lived up to the first promise, but effectively jettisoned the second in 2003 when he seriously mismanaged the occupation of Iraq. Oddly for a Republican, Bush adopted Wilsonian assumptions after September 11, namely, that democratization was a sort of silver bullet in national security matters, and that democracy could be spread easily even in historically inhospitable regions. Fortunately, he was a hard Wilsonian, and once the going got rough, he did not abandon the U.S.-led military effort in Iraq. Still, the course of that war cast serious doubt on the notion that history was about to end, in the Middle East or anywhere else.

Even as Bush focused on Iraq, underlying great power competitions resurfaced. Nursing intense resentment over the terms on which the Cold War had ended—involving the expansion of American influence deep into Eastern Europe—Russia reasserted its would-be role as the dominant power within the Caucasus, Central Asia, Belarus, and Ukraine, while using its control over vast oil and gas supplies to pressure other nearby countries. China, for its part, expanded its economic and diplomatic influence in an even more breathtaking fashion, not only throughout East and Southeast Asia, but also into new regions such as Africa and Latin America, providing substantial trade, aid, and investment without any humanitarian or ideological preconditions to a wide range of nasty regimes. Naturally the United States attempted to push back against the expansion of Russian and Chinese influence, while denying that it was doing any such thing. For respectable American opinion, the more reassuring assumption was still that great power rivalry was essentially a thing of the past, a vicious and outmoded custom like dueling, or smoking. This notion was not taken seriously in Moscow or Beijing, however, where people smoked and Realpolitik continued.

AMONG THE MOST READABLE OF THE NEW books on this continuing competition is Parag Khanna's *The Second World*. Khanna, the director of the Global Governance Initiative and a Senior Research Fellow at the New America Foundation, argues that we now live in a world with three great powers or empires, as he calls them: the United States, the European Union, and China. Russia he discounts as a spoiler—energy-rich but no superpower. The United States, he writes, relies mainly on military alliances and bases to maintain its influence abroad; the European Union, on the promise of membership in its ever-expanding union; and China, on economic expansion together with a low-key form of diplomacy that emphasizes consultation. He describes patterns of local and great power rivalries in regions stretching from Central Asia to North Africa and South America. The sketches that he draws are useful, streetwise, and sometimes very funny; if I were to undertake a geopolitical world tour, I would want him as my guide.

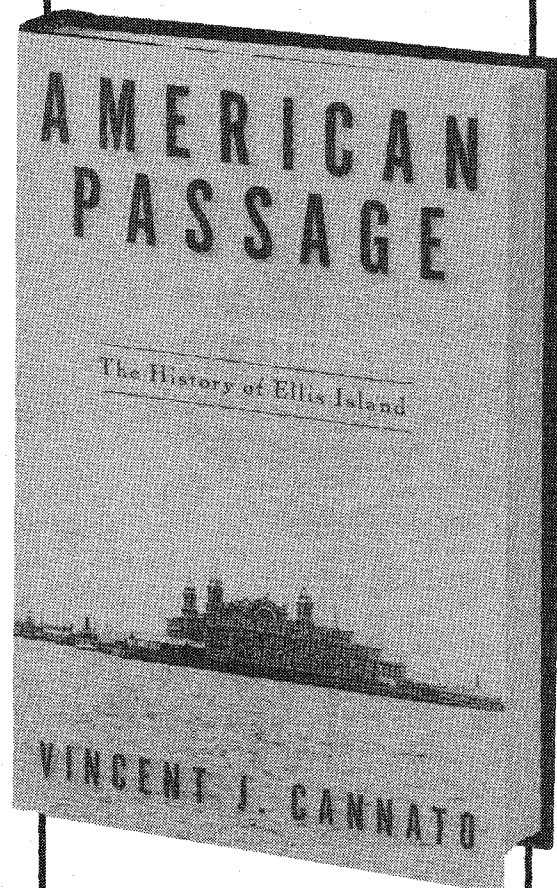
But parts of his overall argument fail to convince. The E.U. is an economic powerhouse but has little unity or coherence on decisions relating to war and peace. It's an impressive collection of wealthy, peaceful democracies that have overcome certain violent animosities—notably between Germany, France, and Britain—but it is not a superpower in a military or geopolitical sense. Khanna also overestimates the extent to which American power is in decline. Though China's economy, armed forces, and global influence have grown rapidly in recent years, they are still no match for America's, and Chinese officials know it. Like many foreign policy experts, he concludes his work with ringing denunciations of American domestic practices on the shaky premise that changing them would somehow bolster the U.S.'s reputation overseas. For Khanna, Americans eat too much, weigh too much, own too many guns, are undereducated, and engage in what he calls "wasteful motor sports." The kindest thing that can be said of this extended non-sequitur is that Americans can and will cheerfully ignore it.

Khanna believes that China will be America's chief rival in the near future, and Russia merely a nuisance. George Friedman, the founder and CEO of STRATFOR, a private intelligence and forecasting company, offers the opposite argument in *The Next 100 Years*. Friedman notes that China is bound by geography as well as its own latent domestic instability. He expects Chinese economic growth to slow down, and the country to devolve into de facto regional governments. By contrast, he predicts that Russia will try to reassert its dominance all around the perimeter of the former Soviet Union, triggering fresh con-

**THE FIRST FULL HISTORY
OF AMERICA'S LANDMARK
PORT OF ENTRY**

"Never before has Ellis Island been written about with such scholarly care and historical wisdom. Highly recommended!"

—Douglas Brinkley, author of
The Wilderness Warrior



"Compelling."

—New York Times

"Masterful."

—New York Post

"Absorbing and
thoughtful."

—Minneapolis Star-Tribune

AVAILABLE WHEREVER BOOKS ARE SOLD



An Imprint of HarperCollins Publishers
www.harpercollins.com

flict with the U.S. Friedman expects this revanchism to end not in major war but rather in another collapse of Russian strength. He is much more optimistic than Khanna that the United States will continue to be the world's preponderant power well into the 21st century—a preponderance he sees resting on a healthy long-term basis in terms of geography, demographics, technology, and economics. Friedman's tone is blunt, and he offers bold predictions regarding great power politics ranging decades ahead. In fact the second half of his book reads like science fiction. Since it's impossible to comment intelligently on such long-term predictions, all that can be said is that the book is a good read and a refreshing antidote to the cant that often passes for foreign policy analysis today.

OF THE BOOKS REVIEWED HERE, ROBERT Kagan provides in *The Return of History and the End of Dreams* the most clear-sighted appraisal concerning the revival of great power competition. Characteristically elegant and incisive, his book suggests that Western opinion in the 1990s overestimated the extent to which other major powers such as Russia and China would converge with the United States around democratic norms. Instead of ideological convergence and liberalization, what we see today is the revival of nationalism. A senior associate at the Carnegie Endowment for International Peace, Kagan does an excellent job of sketching very briefly the ways in which Russia, China, India, Japan, Iran, and the United States each views its own foreign policy imperatives. These sketches are so useful that one wishes they were more extended. He recognizes that the United States has its own version of great power nationalism—described previously in his well known *Of Paradise and Power: America and Europe in the New World Order* (2003) and *Dangerous Nation: America's Place in the World, from Its Earliest Days to the Dawn of the 20th Century* (2006)—but points out that it is classically liberal, which he believes leads it to try to promote democracy overseas where possible. The book's second half fixes on democratization's uneven fate internationally in recent years, and argues that just as authoritarian regimes worldwide have formed a kind of club of autocracy, liberal democracies, led by the United States, ought to form a league of democracies, to promote the democratic cause worldwide.

Kagan is certainly right that insofar as a democratic international order exists, it is undergirded by American political, military, and economic power—a point missed by casual anti-Americanism. Yet if world politics today is characterized primarily by great power nationalism

and geopolitical rivalries, why would one expect either the autocracies or the democracies to cooperate with one another along strictly ideological lines? Moreover, why would it be in America's interest to assume that all autocratic powers are enemies of the United States? Surely a more intelligent strategy would be to play the various autocratic powers against one another, and ultimately undermine them that way. There is no reason to believe that most Europeans are interested in joining a U.S.-led league of democracies that would take on Russia, China, and Iran all at once. Nor is there reason to believe that the U.S. cannot cooperate with Moscow or Beijing on certain limited matters such as trade, while competing with and constraining them on others. Kagan is more convincing when he points out that neither post-Cold War democratization nor increased economic interdependence has outmoded great power competition, a point he makes with convincing force.

The international revival of great power rivalry demands some conceptual adjustment on the part of Americans, and of conservatives in particular. Although President Obama is celebrated in some circles for foreign policy realism, he seems guided in foreign policy not so much by America's interest as by the belief that potential security threats must be accommodated lest they distract attention from his astonishingly ambitious domestic agenda. Combined with that is the conceit that he can somehow personally transcend all international hostilities and conflicts, no matter how intractable.

American conservatives therefore have a golden opportunity to develop a much-needed alternative to the president's foreign policy vision. But it will not do simply to defend the legacy of George W. Bush. The real need right now is to offer a foreign policy alternative that is more, rather than less, tough-minded than Bush's. Interestingly, it was Francis Fukuyama who pointed out that the expansion of liberal democracy worldwide might not be enough to satisfy the perennial human drive in politics for recognition, identity, and self-respect. The spread of democracy might thus be followed by new forms of international conflict, based on the desire to satisfy this passion for recognition. The United States must recognize, for the sake of American interests and American principles, that we live in a world of great power rivalry—and we'd better get used to it.

Colin Dueck is associate professor in the Department of Public and International Affairs at George Mason University, and the author of *Reluctant Crusaders: Power, Culture, and Change in American Grand Strategy* (Princeton University Press).

MAKING WAR

by Angelo M. Codevilla

I THANK BRET STEPHENS FOR HIS KIND JUDGMENT on my new book, *Advice to War Presidents*, which he calls “bracing and intelligent” with “no shortage of wisdom and wit” (“Statecraft as Warcraft,” Summer 2009). But I notice he quotes from the text when describing how the book rescues the classic meaning of diplomacy, prestige, economic statecraft, war, intelligence, and internal security from the Alice-in-Wonderland mentality of post-Wilsonian American statesmen, but neglects to do so when asserting the book’s flaws. Instead, he takes issue with what he supposes to be some of my intentions. Since others may share those suppositions, let me now correct them.

Stephens writes that I overlook “positive instances of American statesmanship,” namely, that “the U.S. *did* manage to defeat Nazi Germany and Imperial Japan, *did* manage to overcome the strain of the Vietnam War, *did* manage to bury the Soviet Union, *did* manage to out-compete Japan, Germany, and the European Union, and—it now seems—*will* manage a win in Iraq.”

On the contrary, I made clear that the defeat of Japan’s armed forces produced precisely the peace for which America had fought and that it did so because General Douglas MacArthur “kept Washington’s wise men and the Soviets at bay in Tokyo.” Just as clearly, I pointed out that crushing Germany’s armed forces produced a half-century of cold war, not peace, because Franklin Roosevelt’s wise men made elementary errors. “He placed America’s eggs in Stalin’s basket and kept them there after the danger had become the Soviet Union’s rise, not its fall.” Neither John Quincy Adams, Winston Churchill, nor Charles de Gaulle would have done such a thing (never mind Stalin). Nor would Thucydides or any textbook of diplomacy have counseled a misuse of alliances that led to the repudiation of original war aims (the Atlantic Charter was, after all, about Poland’s freedom) and, worst of all, domestic strife. One of diplomatic history’s most poignant passages is Roosevelt aide Harry Hopkins’s plea to Stalin (who spurned it) to put some fig leaf on his domination of Eastern Europe because it was causing strife between Americans who sup-

ported the president and others who supported freedom. That strife is with us still.

Dear as it is to conservatives, the notion that we “buried” the Soviet Union (other than as survivors) is unsupported by facts and logic. The notion appeals to me personally because Richard Pipes and I authored the part of the 1980 state department transition report that advocated making the Soviet Union’s end official U.S. policy—the only official U.S. document ever to do so. What’s more, between 1979 and 1984 I had a substantial role in developing the anti-missile weapons programs that became the Strategic Defense Initiative (SDI). But nothing any Americans did *caused* the Soviet collapse. Mikhail Gorbachev actually caused it, in the same sense that a hammer is the *efficient cause* that drives a nail into wood. Gorbachev, following Yuri Andropov, purged more Communist Party officials in five years than Stalin did in near thirty, in a vain attempt to recentralize an organization that had become feudal and unresponsive to the center. Meant to discredit his political enemies, *glasnost* and *perestroika* ended up discrediting the Party. Many have argued in general terms that Gorbachev waged these campaigns with deadly incompetence because Americans forced him to. But nobody has shown how the SDI program that drowned all weapons development in an interest group morass, or how the American government in which President Reagan and his CIA director William Casey were embattled outsiders and that supplied the Soviet economy with untied (and never repaid) loans, took hold of Gorbachev as a hand takes hold of a hammer and caused him to smash the system.

DOES IT NOW SEEM THAT WE “WILL MANAGE a win in Iraq?” My book deals with this matter at length. Beyond doubt now (and I never doubted it) is that Iraq will never again be a unitary state, much less a *democratic* unitary state. What used to be northern Iraq is Kurdistan—in army, flag, language, and race. Kurds are not Iraqis because they are not Arabs. Iraq’s west is ruled by Sunni sheiks, who represent one in four Iraqi Arabs. Armed and empowered by the American “surge,” they have

no intention of submitting to the Shia majority that rules Baghdad and the south.

It was clear in 1991 that Saddam Hussein’s ouster would lead to this tripartite division. Ousting Saddam was right and salutary because he had made himself the paladin of anti-Americanism in the region, if not in the world. Left to itself, post-Saddam Iraq would have sorted itself out. Competent policy would have dealt with the rump parts at arms’ length. But the tortured logic that accompanied the invasion led to an eight-year campaign meant to avoid precisely the sorting out that was unavoidable. I argue that the post-2003 occupation of Iraq is a textbook negation of sound policy: failure to adopt as an objective a notion of peace achievable with the means you are willing to use, failure to identify an enemy whose disappearance will give you that peace, and failure to kill that enemy and his allies quickly, wherever they may be. Instead, at the cost of 4,400 American lives and much more, the collective wisdom of our foreign policy establishment won what?

Stephens writes that I am “too dismissive of the power of American culture as an instrument of suasion or subversion.” My chapter on the role of ideas in international affairs is based on a critique of Joseph Nye’s *Soft Power* (2004). Nye’s contention was that the culture of people like himself—the official culture of Cambridge and Palo Alto; the *New York Times*; Washington, D.C.; Hollywood; and the Davos World Economic Forum—conquers all. I do not confuse that narrow, socially powerful but militarily impotent sect with America itself. Far from being irresistibly attractive, this culture is at odds with most of the rest of the world. I devote most of the chapter to describing truly powerful ideas—religion among them—of which this culture is ignorant, ideas that are familiar to the American culture that captivated me long before I immigrated to the United States, a culture that endures but no longer holds society’s commanding heights. The practical question is: who is attracted to what aspect of America, and so what?

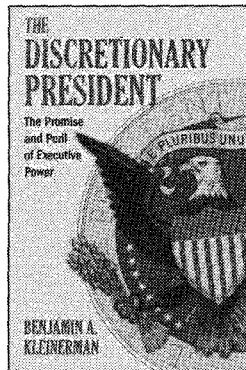
Stephens takes heart that “not for nothing are shopping malls from Bangkok to Mexico City to Cairo just like American shopping

The Discretionary President

The Promise and Peril of Executive Power

Benjamin A. Kleinerman

"A distinguished study of executive power that is wise, practical, and constitutionally sound. Benjamin Kleinerman sees the need to recover the separation of political, contesting powers, neither too legal nor too loose, and he has the good sense to take his bearings from political philosophy."—Harvey Mansfield, Professor of Government, Harvard University, and author of *Taming the Prince: The Ambivalence of Modern Executive Power*



"Benjamin Kleinerman is truly one of the most interesting contemporary scholars of presidential power. There is no one—lawyer, political scientist, historian, or concerned citizen—who will not learn a great deal from and not be challenged by his well-written and heartfelt arguments."—Sanford Levinson, author of *Our Undemocratic Constitution*

336 pages, Cloth \$34.95

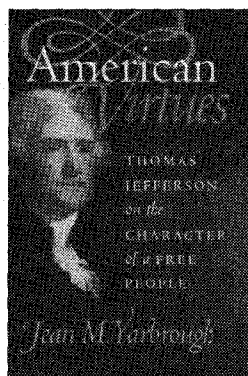
NEW IN PAPERBACK

American Virtues

Thomas Jefferson on the Character of a Free People

Jean M. Yarbrough

"An elegantly written, cogently argued interpretation that should generate many valuable discussions not only about Jefferson's thought but, more important, about the kinds of virtues and values required of a people who mean to govern themselves."—*Journal of American History*



"The best exposition we have of Jefferson's thought."—*American Political Science Review*

American Political Thought
280 pages, Paper \$19.95

**University Press
of Kansas**

785-864-4155 • Fax 785-864-4586
www.kansaspress.ku.edu

mall.... Not for nothing has democratic governance been steadily expanding around the world." Does he really mean that as foreigners adopt American technology, products, and some customs they become like us in important respects? There is in Dubai, I'm told, a huge American-style sports bar with flat-screen TVs, flowing beer, and pool tables. From a distance, the men and women who congregate there look like Americans enjoying the game. A closer look shows that the men are rich, middle-aged Arabs and the women are Russian call girls. Patronage of the bar by no means represents appreciation that "all men are created equal." The bar is just another venue in which tribal prerogatives are exercised. Do drinking and whoring in what some imagine to be typically American ways disincite the patrons to fund their favorite terrorists? One of my book's main points—and I claim no innovation here—is that democracy is not reducible to a single phenomenon, but that its character in any given instance depends on the character of particular peoples and particular regimes. The bare forms of democracy do not alter mentalities—loves and hates, proclivities and aversions—any more than shopping malls and sports bars do.

"Worse," writes Stephens, "are Codevilla's vituperative attacks on neoconservatism." I was not aware that I had attacked neoconservatism, much less vituperatively. Since many call me a neocon, perhaps because I wrote most of *Commentary's* articles on international affairs for a decade, it is not news to me that neoconservatives differ among themselves in sophistication as well as in opinion. For most neoconservatives, "spreading democracy" means empowering peoples and expecting that, once empowered, they will do well by themselves and by America. But as I wrote in my book, this means "losing sight of the high cultural and political obstacles" to such democracy and misunderstanding the instruments of statecraft, principally diplomacy and war. Though Max Boot, Joshua Muravchik, and Charles Krauthammer advocate fighting in Iraq, Afghanistan, and elsewhere, they mistakenly morph war into nation-building because they believe that reshaping troublesome peoples with military force will produce non-troublesome nations, and they believe that they know how to do what must be done to foreigners whom Rudyard Kipling characterized as "half devil and half child." Indeed, these neoconservatives believe that the only choice is between flaccid diplomacy on one hand and, as Stephens has written elsewhere, "a winding and bloody struggle to defend and improve a hapless and often corrupt government in a godforsaken land."

But no. My book shows that diplomacy, as winners have practiced it, conveys softly, unam-

biguously, at arms' length, the reality of what one people will and will not stand for from another, and that when threats to vital interests call for war, the objective must be swiftly to kill those who embody the threats, and anyone who stands with them. If you don't know whose death will rid you of your troubles, or don't have what it takes to kill them, using force in "winding and bloody struggles" will only get you more troubles.

Angelo M. Codevilla is professor emeritus of international relations at Boston University.

MAKING THE GRADE

by Bret Stephens

ANGELO CODEVILLA CAN REST ASSURED I know just how he feels, or rather, how he has almost surely felt at one time or another in his academic career. What I have in mind are those unhappy occasions when a student came by his office, complaining about that B+ that really should have been an A-. Now it's Codevilla's turn to take that student's place, explaining at length why my A- review of *Advice to War Presidents* really should have been an A+. As it is, Codevilla's letter mainly serves to reinforce my original judgment of his book, particularly about his tendency to take his arguments a couple of steps too far. Nor is this some kind of big misunderstanding on my part, as he implies when he writes that my critical observations aren't supported by quotations from his book. On the contrary, I believe I have understood him perfectly well.

Thus, regarding his objection to my claim that he overlooks "positive instances of American statesmanship":

America's armed forces won nearly all their battles, and America's Soviet enemy died of its congenital disorders. But the American people found themselves ever less secure as our statesmen lost peace after peace.... Losing wars while winning battles is hard and rare. Yet American presidents and their advisers have managed to do just that for nearly a century.

And regarding his claim that he "was not aware that [he] had attacked neoconservatism, much less vituperatively," here's this: "Like other

Progressives, Neoconservatives loved America arguably less for itself than for what it could do for mankind."

And this:

The triple-blind bet of Neoconservative diplomacy is that the people of any and every country would really like to imitate American democracy, that nothing in any people's habits of mind and heart prevents them from doing so, and that its trying would be good for America.

And, again, this: "The essence of Neoconservative diplomacy is to use subversive words naturally fit for war as part of policies that envisage little if any unpleasantness."

And so on.

Perhaps Codevilla and I just have different ideas of what is meant by the words "attack" and "vituperative." Whatever the case, he gets neoconservatism wrong because he abstracts from what particular neocons have said at one time or another to make grand claims about the nature of a political tendency whose leading lights are much more sophisticated than Codevilla's generalizations would suggest, and who frequently differ among themselves. For my part, I think the record shows that as democracy has spread in its Huntingtonian "waves," the world has generally become a more secure place, for the obvious reason that democracies are less prone to resolve international differences through force. I also think that "spreading" democracy is a difficult but not impossible task, even in some of the world's more benighted corners. And while I view "nation-building" with a certain amount of skepticism—especially when it comes to the fool's gold of "development" via the usual aid agencies—I also think we have an interest in building and consolidating critical institutions of state, such as the army and police, in places such as Afghanistan and Iraq. Why? Not because it will yield great results, but because the alternatives all look considerably worse.

REGARDING CODEVILLA'S OTHER POINTS, let's just say I don't quite share his apparently boundless admiration for Douglas MacArthur, whose disastrous overconfidence in Korea as U.S. forces made for the Yalu River played its part in denying us an outright victory there. (On the other hand, the general's record in transforming Japan from its previous rampant militarism to a prosperous and pacifist democracy does seem to offer something of a counterpoint to Codevilla's culturalist infatuations.) I'm also not quite sure what Codevilla means about American war aims in World War II: I thought they were chiefly about winning

the unconditional surrender of the Axis Powers. And however we may both lament FDR's naïveté about Joseph Stalin, it is not entirely clear to me how the Allies could plausibly have liberated Poland in 1945 from the clutches of Marshal Zhukov's armies.

As for whether the U.S. can take credit for burying the Soviet Union, it is a fact that when Mikhail Gorbachev came to power in 1985 the USSR was spending at least 20%, and perhaps as much as 40%, of its Gross Domestic Product on its war machine, as against about 6% of GDP that America was spending at the height of the Reagan arms buildup. Aristotelian distinctions between efficient, material, formal, and final causes aside, a fair argument can be made that the Reagan buildup was, at the least, a foot in the backside of an elephant already standing at the brink. Even if it weren't, it also remains the fact that when the Soviet Union collapsed in December 1991, it was "buried" by the U.S. in the same sense Krushchev meant when he predicted the Socialist camp would "bury" the West back in 1956.

WHAT ELSE? THERE IS CODEVILLA'S oddly self-assured claim that "beyond doubt now (and I never doubted it) is that Iraq will never again be a unitary state, much less a democratic unitary state." And the evidence for this is? Right now, for the record, it is a democratic and unitary (albeit federal) state, Joe Biden's (and Angelo Codevilla's) expectations to the contrary notwithstanding. There is his equally odd certainty that "left to itself, post-Saddam Iraq would have sorted itself out." But how does he know this? And how does he know that it wouldn't have "sorted itself out" as three states, one dominated by Iran, another by al-Qaeda or a Baathist remnant, and a third by Turkey? There is hearsay evidence of drinking and whoring going on in the Port of Dubai. (And here I thought Codevilla was a sailor!) In all events, whoring and drinking represent a quantum cultural leap over the practices common to neighboring Saudi Arabia. Have I left something out? Oh, yes, the lament about the Davos set. But since I'm a sometime member of that set, I'll recuse myself from comment.

Codevilla's reply is a long one, so I hope the reader will forgive me if, rather than offer a rebuttal on every point, I simply refer him to my original review. And, since I've always admired and learned from his trenchant and frequently persuasive way of thinking, let me close by saying, at least where I come from, an A— really does mean a job well done.

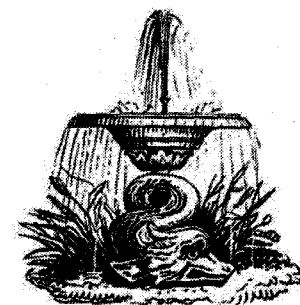
Bret Stephens writes "Global View," the foreign affairs column of the Wall Street Journal.

Exclusive Content Online for Subscribers

Subscribers can read each new issue of the *Claremont Review of Books* online, weeks before it hits the newsstands or arrives in the mail. As a subscriber, you can download the full issue (including all of Elliott Banfield's artwork) as a PDF. And if you sign up online, exclusive bonus reviews will be e-mailed directly to you.

Only subscribers can access these great new features, so sign up today. Simply visit the Claremont Institute's homepage at www.claremont.org and create a My Claremont account. If you like, you can customize your account to stay on top of the Claremont Institute programs, events, and publications that interest you most.

Another reason to subscribe to America's premier conservative book review.





Book Review by Paul Hollander

UNREPENTANT

Underground: My Life with SDS and the Weathermen, by Mark Rudd.
William Morrow, 336 pages, \$25.99

MARK RUDD USED TO BE A FAMOUS RADICAL activist, a leader in the turbulent 1960s and '70s of Students for a Democratic Society (SDS) and its more radical offshoot, the Weather Underground or Weathermen, and in his own words, a "Jewish-American prince." In this memoir he endeavors to provide both vindication of and some distance from his youthful beliefs and actions. As the book proceeds it becomes clear that his radical beliefs remain the foundation of his sense of identity, confirming how difficult it is to renounce long-held and widely shared convictions that at an early stage made life meaningful and seemingly heroic.

About two thirds of the book is devoted to an overly detailed reconstruction of Rudd's actions during the protests at Columbia University in 1968 and his subsequent involvement with the SDS and Weathermen, including the notorious "days of rage" in Chicago—a pointless orgy of violence by the hardcore elements of the movement. Although he landed on the FBI most wanted list, the charges against him were dropped and the supposedly repressive might of the state ("the Machine," he used to call it) never touched him. In 1980, he became a teacher at a community college in New Mexico, retiring in 2006 to write this book intended to inform and inspire a new generation of activists.

The most interesting question is what exactly made Rudd so enraged at American society, motivating him to devote the best years of his life to radical political activism. Unlike many other '60s radicals he was not a "red-diaper" baby: his parents were not old leftists or Communists but contented business people, middle-class Jews who appreciated their secure and comfortable life in a New Jersey suburb. Throughout his years underground he kept in touch with them, and they helped him financially; often he felt guilty for causing them sadness and worry on account of his life as a fugitive.

Early in the book he acknowledges that before becoming a radical something bothered him that had no apparent connection with political or social injustice:

something gradually began to feel wrong. I'd be sitting in my freshman English class [at Columbia]...and suddenly I would be overcome by a wave of despair.

Confused questions would pop into my mind: Why am I here...pretending to be interested in poetry? Who are these boys sitting next to me in their blue blazers, regimental ties, and pressed slacks? And I also wondered like many an eighteen-year-old guy, why can't I sleep with every girl I meet?

Such feelings led him to the college counseling service and subsequently to a psychoanalyst whom he later accused of taking care only of rich people, like himself. He abandoned analysis when he became involved with the radicals at Columbia who were ahead of him in diagnosing the connections between the personal and the political. After immersion in political activities his depression lifted. But very little light is shed here on the nature of the connection between the early, seemingly non-political depression and his political awakening. At the height of his involvement he and his fellow conspirators "determined that there were no innocent Americans, at least no white ones.... Universally guilty, all Americans were legitimate targets for attack."

Radical activism expressed in demonstrations and occupying campus buildings satisfied his longing for community:

The energy was electric.... The atmosphere in the occupied buildings [at Columbia] was charged.... A strange, chaotic, and loving new life-form had spontaneously erupted.... The term 'commune' was joyously seized upon...as a symbol of a new, collective future.

There were also egocentric gratifications: "The lights would then come up, and there I'd be, the star of the movie, standing at the podium...to receive the thundering applause and adulation of the crowd."

SEVERAL DEVELOPMENTS UNDERMINED HIS commitment, leading him to surface after seven years of underground life. There was vicious, dogmatic infighting between different radical sects, which accomplished little notwithstanding increasingly strident rhetoric and acts of political violence. In addition, the end of the Vietnam War drained the protest move-

ment's energy. The Revolution was not about to occur, and "the armed liberation struggle" seemed increasingly pointless; "trying to prove ourselves through violence" lost its appeal. No longer part of the Weather Underground, he strongly disapproved of the organization's 1981 Brinks robbery and the associated murders. Yet he confesses, "I loved these people [who committed the Brinks murders], they were my intimates, and what we'd started together they had merely continued straight to the tragic end."

The reunion of 400 former Columbia University activists in 2008 appeared to strengthen his self-congratulatory impulses:

The old feelings of being caught up together in something so historic and larger than ourselves flooded back, lifting us to that delirious and scary moment when we first acted on our principles and tasted what it was like to take charge of our lives.... We introduced ourselves to each other and found that all the people present had gone on...to create lives that more than fulfilled the promise of what we started in those buildings.

During the same reunion, "Ted Gold was honored as a great organizer...." This was the same person who blew himself up by accident while assembling a large bomb filled with nails intended to be detonated at a dance of military personnel in Fort Dix, New Jersey. In his acknowledgments Mark Rudd salutes his "old comrades" including Gold who either blew themselves up during bomb-making or were incarcerated for murdering the Brinks guards. In the final analysis, good intentions and the supposed idealism carry greater moral weight with him than their murderous intentions and actions.

Although Rudd has come to reject the violence of his comrades (and his own support for it), he cannot bring himself to reflect on the connections between this violence and the ideals that provided justification for it.

Paul Hollander is professor emeritus of sociology at the University of Massachusetts, Amherst, and author, most recently, of *The Only Super Power: Reflections on Strength, Weakness, and Anti-Americanism* (Lexington Books).

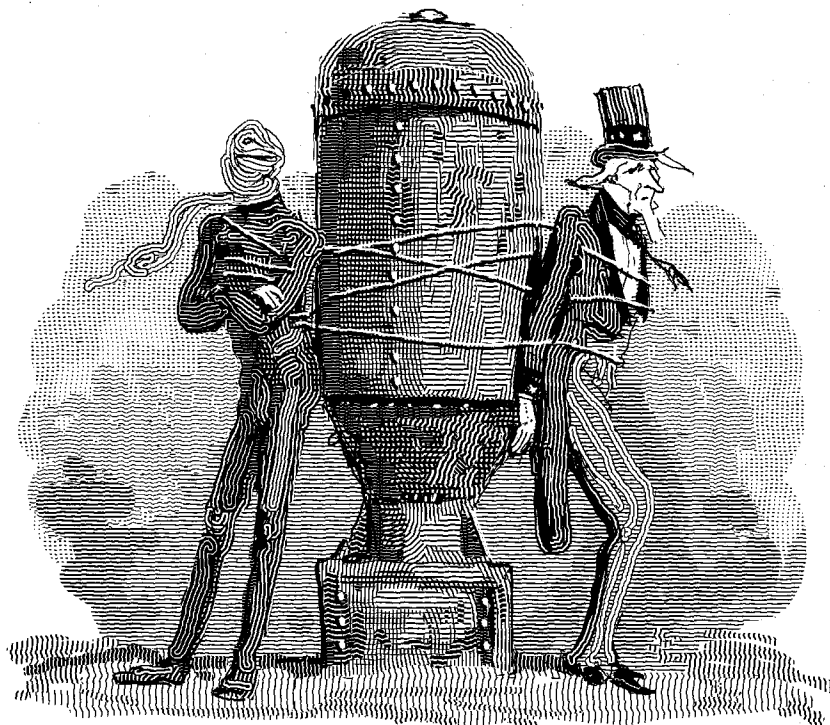
Book Review by Michael Anton

WORST CASE SCENARIO

Nuclear Terrorism: The Ultimate Preventable Catastrophe, by Graham Allison.
Times Books, 272 pages, \$24 (cloth), \$16 (paper)

On Nuclear Terrorism, by Michael Levi.
Harvard University Press, 224 pages, \$24.95 (cloth), \$17.95 (paper)

The Nuclear Express: A Political History of the Bomb and its Proliferation,
by Thomas C. Reed and Danny B. Stillman. Zenith Press, 408 pages, \$30



TWO DECADES AFTER THE FALL OF THE Berlin Wall, the United States faces a greater risk of nuclear attack than at any time in its history.

This assertion will strike some as implausible given the former Soviet Union's enormous arsenal and the wide range of Cold War close calls, from the 1962 Cuban Missile Crisis to 1983's false alarm in the Soviet early warning system—three weeks after the downing of KAL 007. But these incidents (and the others like them) shared a common trait: neither side wanted nuclear war, and neither wanted to do anything that might risk its outbreak. Today, eight years into the War on Terror, America faces an enemy hell-bent on making it happen, and indifferent to or contemptuous of the many factors that induced caution in Soviet leaders. All this enemy lacks (so far as we know) is the capability.

A cursory review of the literature shows how numerous are the avenues through which that capability can be acquired. It's not easy, to be sure. But with time, money, and dedication, it can be done. And if we know anything about the subject, we know that America has enemies with

plenty of each. In the oft-quoted words of the infamous IRA press release following a failed 1984 bombing attack on Margaret Thatcher's life, "we [terrorists] have only to be lucky once. You will have to be lucky always." It is thus no surprise that notable figures from national security grandees to Warren Buffet pronounce nuclear terror "inevitable."

THUS FAR, AMERICAN EXPERTS ON THIS topic have devoted most of their attention to purely defensive considerations such as port security, intelligence collection, and non-proliferation programs. Two influential books, in particular, lay out the case for a defensive strategy and show what it might look like: Graham Allison's *Nuclear Terrorism: The Ultimate Preventable Catastrophe* and Michael Levi's *On Nuclear Terrorism*.

Allison is founding dean of Harvard's Kennedy School and a former assistant secretary of defense. His book, written in 2004, may be said to define the parameters of official conventional wisdom on the subject. The two-part tome explains the problem—the many avenues

for procuring, building, and delivering a nuclear bomb—and proposes a solution, what Allison calls the "three Nos" and "seven Yeses." Allison's thesis is that nuclear terror is "Inevitable" (Part One) given present policies, but "Preventable" (Part Two) if the world adopts his solutions. Unfortunately, only Part One lives up to its name.

There are so many paths to the bomb, so many holes that would have to be plugged, and so many contingencies covered, that it's impossible to imagine anything close to a perfect security system. Moderately well-informed people know that the world's most worrisome nuclear security gaps are in Russia; they probably presume that security in the U.S. is impregnable. Allison gleefully shoots down that assumption. For example, more than half the security drills at Los Alamos National Laboratory run by U.S. special forces personnel posing as terrorists resulted in successful "theft" of plutonium; in some cases, the "terrorists" did not encounter a single guard. And Los Alamos is the most important site in the American nuclear program.

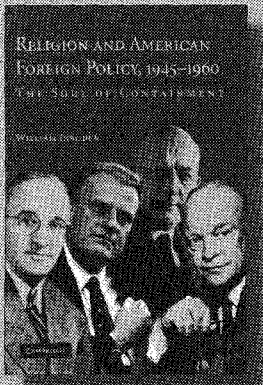
For terrorists, getting the goods is the hardest part. Once sufficient uranium 235 or plutonium



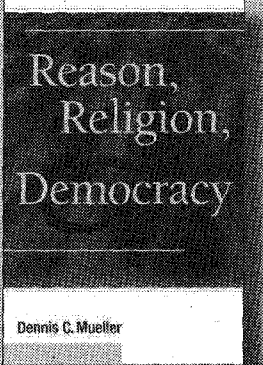
CAMBRIDGE

POLITICS AND RELIGION

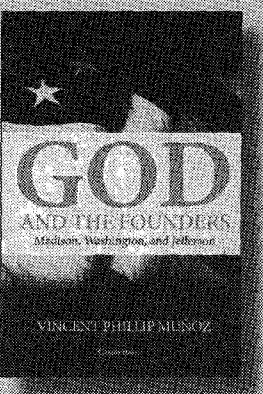
Religion and American Foreign Policy, 1945-1960
The Soul of Containment
 William Inboden
 \$80.00: Hb: 978-0-521-51347-0: 368 pp.



Reason, Religion, and Democracy
 Dennis C. Mueller
 \$90.00: Hb: 978-0-521-11501-8: 464 pp.
 \$29.99: Pb: 978-0-521-13273-2



God and the Founders
 Madison, Washington, and Jefferson
 Vincent Phillip Muñoz
 \$85.00: Hb: 978-0-521-51515-3: 252 pp.
 \$24.99: Pb: 978-0-521-73579-7



Prices subject to change.



CAMBRIDGE
 UNIVERSITY PRESS
www.cambridge.org/us

1584 • 2009
 425 YEARS OF CAMBRIDGE
 PRINTING AND PUBLISHING

239 is on hand, making a bomb is comparatively easy; all it takes is money, time, materials, and know-how—and the know-how, like the materials, can be bought. Getting the bomb (or its constituent parts) into the U.S. and moving it around is easiest of all. No defensive system could detect and stop nuclear trafficking with 100% certainty. For one thing, short of searching every package, truck trailer, railcar, and shipping container, it is impossible to reliably detect fissile material coming into the country. For another, the kinds of searches that might actually work would slow down supply chains to the point of crippling the economy.

THUS IT IS HARDLY SURPRISING THAT EFFORTS to stop nuclear terror focus on locking down nuclear materials at their source. Despite the impressive mass of evidence he compiles to the contrary, Allison insists that this can be done with absolute certainty. “The United States does not lose gold from Fort Knox,” he writes. Indeed not—but, as Michael Levi’s more measured treatment of the subject points out, neither is the United States constantly moving gold in and out of Fort Knox (to say nothing of dozens of other facilities) for perfectly necessary and legitimate reasons. Gold, for instance, does not have applications in cutting-edge medical technologies.

In any case, the remedy Allison prescribes is not nearly adequate to the disease he diagnoses. Some proposals are fine as far as they go, but don’t go nearly far enough. Some are harmless placebos. Others amount to little more than speculative wishful thinking. It’s as if a doctor faced with a terminal cancer patient were to recommend a combination of aspirin, acupuncture, and alchemy.

By far the biggest flaw in Allison’s portfolio of proposals is that they rest too much on the willingness of other parties to go along in good faith. He acknowledges that getting the Russians, the Pakistanis, the Chinese, and others to secure their nuclear materials according to an international “gold standard” will be difficult but insists—against all prior experience—that it can be done. He praises, reasonably, the Cooperative Threat Reduction programs (CTR, known popularly as Nunn-Lugar, from the Senate sponsors, Sam Nunn and Richard Lugar) that work to secure nuclear materials in Russia, but glosses over the extent to which the Russians, after nearly 20 years and billions of our dollars, still have not come even close to achieving American standards of security.

Allison’s expectations for other nations are even higher, and even more misplaced. He thinks Iran can be bought off with a “grand bargain,” China talked into good behavior, and Pakistan

made to see the importance of tighter security. He just does not consider that these countries’ behavior in the nuclear realm fits what they perceive to be their interests, which do not coincide with our interests. Nor does he want to admit that the United States and its allies lack the will to threaten credibly, much less enforce, any sanctions or harsher measures that might have an impact.

ON THESE AND MANY OTHER POINTS, *THE Nuclear Express*—by former weapons designers and high government officials Thomas Reed and Danny Stillman—is most instructive. Reed and Stillman document the lifelong atrocious safety record of the Russian nuclear program, on both the weapons and the electric power side. More troubling, they show that “Deng Xiaoping’s China apparently decided to actively promote nuclear proliferation within the Third World.” The Chinese have “trained scientists, transferred technology, and built infrastructure in furtherance of that policy.” So relying on China, as Allison does, to become part of the solution would seem to be a bad idea.

Allison is most off base about North Korea which, since the book was written, has tested at least two nuclear weapons. He would doubtless argue that this outcome is precisely the result of failing to follow his advice. But that advice hinged on a willingness to threaten a use of force that even the Bush Administration could not countenance, and that South Korea, China, and Russia believed to be out of the question.

Michael Levi is more interested in the technical side of prevention, and his *On Nuclear Terrorism*—in addition to going into far more detail than Allison’s book, despite its shorter length—offers some comfort. Successfully staging a nuclear terror attack is quite difficult indeed. Levi, a senior fellow at the Council on Foreign Relations, flips the IRA quip on its head. Breaking a nuclear plot into its many constituent stages, he shows that a terrorist group must be lucky at every stage whereas, to stop them, the defense has only to be lucky once.

But this turns out to be small comfort. He proposes his own cadre of defensive measures, little different from Allison’s, and concludes—unlike Allison—that they neither can nor will ever be 100% effective. Which is to say (though Levi does not say it), a nuclear terrorist attack on American soil is inevitable, or at least that its non-occurrence is a matter of luck.

Reed and Stillman also offer a package of preventive measures but are more realistic about the chances of success. They conclude, “A unified effort *might* just keep the Nuclear Express on track. Divisive efforts *will* surely bring about the

greatest train wreck in the history of mankind" (emphasis added). The authors are unflinching about the stakes. Mere death and destruction alone might not be the goal of such an attack. Radical Islamists may seek to upend American society and attempt a coup. Or the serial proliferators who have created today's nuclear abundance may wish to see the U.S. financial system destroyed—with no fingerprints of their own on the device that does it.

Speculations like this guarantee that Reed and Stillman will not be taken seriously by the security establishment and nuclear priesthood of which they were, for so long, members in good standing. Following lines of inquiry where they logically lead is considered crass and kooky when those threads lead somewhere particularly unpleasant.

For daring to follow anyway, and to publish their thoughts, Reed and Stillman are owed a debt of gratitude. They have managed to put together a book that is at once informative, breezy, extremely serious, and just technical enough to make sense of a complicated issue without bewildering the non-specialist reader. Cold War buffs will also be intrigued by some notable new conjectures about the role that espionage played in delivering the secret of the hydrogen bomb to both Russian and Chinese scientists.

IN THE END, HOWEVER, THERE IS SOMETHING profoundly unsatisfying about all of these books. Facing a near consensus on the certitude of a nuclear attack, America's nuclear experts have apparently not done much thinking about

what to do should all our defensive measures fail, what to do in response should an attack come, and what to say about that response in advance. Such thoughts seem to be literally unthinkable.

One pat response is to assert that since we won't know the details and circumstances of an attack until it happens, it makes no sense to start mapping out responses now. But this doesn't bear scrutiny. A range of likely scenarios can be imagined. Thinking through those scenarios in advance makes more sense than beginning on the morning after. Moreover, if there is one thing the experts agree on (Reed and Stillman being honorable exceptions), it is that America ought not to worry too, too much about an Iranian or North Korean bomb because that sturdy old standby, deterrence, will keep their leaders in line. It's as if the cardinals of the nuclear priesthood have forgotten the basic tenets of their faith. For deterrence to work, it must be credible. For it to be credible, the deterred party must really believe that the deterring party will follow through on what it threatens.

But we, at present, threaten nothing—at least nothing intelligible against those most likely to be behind a nuclear terror attack. During the Cold War, the United States stated clearly what it would do if attacked by its main adversary. Scholars and theorists debated at the time, and continue to dispute today, just how credible that threat was. But at least it existed. Today, the United States has no explicit declaratory policy on what it will do in the event of a nuclear attack not launched by Moscow.

Search the volumes of official public statements, and all one finds is this sentence from the

2002 National Strategy to Combat Weapons of Mass Destruction: "The United States will continue to make clear that it reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of WMD against the United States, our forces abroad, and friends and allies."

Is that specific enough to deter anyone?

Ironically, the same priests who insist that deterrence will work against states also insist that it can't work against terrorists. Certainly, no terrorist will be deterred by anything like the above. And perhaps those who doubt whether they can be deterred at all are right.

But Allison, Levi, and Reed and Stillman all make abundantly clear that there will always be one piece of the puzzle that terrorists must acquire, one way or another, from a state. Producing fissile material requires billions of dollars, many years, lots of land, and, in most circumstances, a measure of secrecy. The states that have the capacity perhaps can be deterred, just as the priesthood claims to believe. But of course this is not what they mean; their calculations extend only to a direct attack by such a state against America. In their zeal not to appear alarmist, they wish to close off discussion of a nuclear nexus between states and terrorists with a pat assurance that one party can certainly be deterred while the other certainly cannot. Is certainty in either case so warranted?

We have not begun even to ask ourselves these questions, much less debate them and formulate answers. It is high time we did.

Michael Anton is a writer living in New York.

Book Review by Will Morrissey

GLORY DAYS

The Crisis of Islamic Civilization, by Ali A. Allawi.
Yale University Press, 320 pages, \$27.50

IN *THE CRISIS OF ISLAMIC CIVILIZATION*, ALI A. Allawi wants to understand how and why "the spirit of Islam" has declined and whether it might be revived. A Sufi Muslim who returned to his native Iraq after Americans deposed Saddam Hussein, Allawi found not liberation there but sectarian murder and corruption. After serving as minister of defense and minister of finance in the new governments, he retreated to an academic appointment at Princeton, giving himself time to think about his country and his religion. He attends to Islam as a set of religious beliefs and as a distinct civilization, a mode and order of civility, wondering whether "a modern society, with all its complexities, institutions and tensions" can "be built on the vision of the divine."

In the past 40 years, Islamic observance has increased worldwide, and what is called "political" Islam has gone from the once-obscure writings of Iran's Ayatollah Khomeini and Pakistan's Syed Maududi to being the lifeblood of real regimes. By "political" Allawi means the kind of rule Machiavelli's prince practices: the acquisition of men and things in an exhibition of virtuosity for the benefit of the prince. But according to Allawi, Islamic civilization—that sense of balance, of proportion, "between the individual and the collective" and "between this-worldliness and other-worldliness"—has been ruinously undermined, "undergoing a monumental crisis."

For Muslims, the modern West lacks genuine civilization, overemphasizing individuality in the pursuit of worldly success. Much of the modern East, with Japan in the lead, now pursues such success too—albeit corporately, not individualistically. West and East alike conjure the impersonal and therefore uncivilized forces of markets and technologies, and succumb to a moral relativism that renders their conquests empty. Allawi argues that the followers of Allah underestimate the modern West, assuming that they have little or nothing to learn from the adherents to imperfect religions. But in my opinion Muslims correctly judge the atheist currents of the new Western irreligion, consonant with Machiavellianism, for being against the *ummah*, the body of believers. In particular, Western modernity substitutes Machiavelli's invention, the centralized and acquisitive modern state, for the tribes and loosely confederated



empires of Muhammad's day, for the *ummah*, and for the European feudal societies that the armies of the *ummah* so often conquered.

In response to Western moral relativism and *politique* statism, Muslims pray, but they also tyrannize and terrorize one another, failing to integrate their inner, devout lives with their public conduct. Although "dozens of nation-states...claim, one way or another, to be guided by Islam," Allawi sees "few signs that anything like this has been taking place." He insists that Islam is the only religion that might go beyond a mere critique of modernity to reestablish civilization or genuine politics without sacrificing modernity's benefits, most notably the discoveries of modern science. But he does not go so far as to deem this likely.

ALLAWI DESCRIBES HOW ISLAMIC CIVILIZATION advanced for a millennium after Muhammad, "nearly always...coeval with rule by Muslims over Muslims"—and, it might be added, rule by Muslims over non-

Muslims. The believers held that the Islamic world flourished according to divine right and with divine aid, morally and politically. With respect to morality, the Koran teaches that "there are no human virtues as such," only divine gifts to individual souls, who cultivate those gifts by observing Islamic law, as reflected in Islamic politics. "The specifically Islamic form of political life" consisted of several elements. The first was empire, but of the pre-modern, non-statist, decentralized sort. Governmental functions included the administration of sharia law and military defense as well as "expansion and conquest." Kinship was the characteristic Muslim regime, undergirded by a society of tribes and other kinship associations, which Allawi calls "key" to a personal rule that avoided the arbitrariness of modern absolutism and tyranny.

The Egyptian monarchy was the first regime effectually to subordinate Islam to modernity, including nationalism and statism, though the project was undertaken most dramatically in Turkey under the regime of Kemal Ataturk. "Political" Islam arose even earlier, in the 18th century, in "the uncompromising and literalist monotheism" of Muhammad ibn Abd al-Wahhab, who allied with the then-obscure House of Saud. Under the pressure of modernism and Islamism—to which Allawi adds Western imperialism—"by the end of the nineteenth century, the territorial, cultural and psychological unity of Islamic civilization had been torn apart." The dichotomy between modernizing secularists and self-described fundamentalist reformers of Islam—both severed from the faith's spiritual roots—more or less guaranteed Muslims' political weakness from then until now.

Allawi provides an informative, melancholy survey of some lonely figures who opposed both secularism and the non-spiritual, legalistic, and often militaristic forms of Islam. These men include Muhammad Iqbal, "the great poet of modern Islam" and a defender of Sufi spirituality as "the realization of God's absolute uniqueness through the uniqueness of the individual"; Badiuzzaman Said Nursi, a Kurdish scholar in Turkey who upheld a civil-associational strategy against statism; and the Algerian scholar Malek Bennabi, who attempted to explain Islam's decline in Gibbon-like terms, as a complacent triumphalism leading to the absorption of foreign spiritual toxins.



Israel's stunning victory over Arab armies in 1967 fatally discredited the nationalist and socialist modernizing regimes behind those armies. The enrichment of the Saudis, and thereby of the Wahhabis, in the 1970s, along with the 1979 Iranian revolution brought political Islam to power in core Islamic states. Allawi argues that this was too little, too late. Scriptural literalism depends upon an understanding of the relevant language, but the Arabic language, the language of the Koran, had lost much of its original meaning, as many words took on definitions adapted to the concepts of modernity. (For example, in modern Arabic *deen* means religion; in Koranic Arabic it means "the indebtedness of the created to the Creator," a debt discharged by following the ways of life—the regime—of God as revealed in "Islam or the unsullied revealed religions," Judaism and Christianity.) The schools in which Muslims now learn Arabic teem with modern notions—secularism, historicism—far removed from Islamic learning. As for the madrassas, insofar as they teach political Islam they too lack spirituality, contenting themselves with an "entirely Sharia-defined," legalist-literalist Islam. This is the Islam of the Wahhabists and their offshoots the Salafists, who "radicalize Sunni Islam by weakening its connection with the classical schools of law," which had been "moderate, restrained and subtle in their decisions," being sensitive to circumstances of place and of peoples. "The death knell for Islamic law is sounding," Allawi writes. "All its vitality, originality and appositeness fades away, turning it into a massive manual with rulings often drawn from the shoddy scholarship of bigoted clerics and Islamic activists with little jurisprudential training."

ALLAWI DEFENDS A VERSION OF ISLAM THAT accommodates the variety of Islamic sects as well as resident non-Muslims. He points to the 11th-century theologian Abu Hamid al-Ghazzali, who made arguments similar to those of Hugo Grotius and some Orthodox Jewish scholars. For these thinkers, the solution to the theological-political question required no endorsement of a natural right to worship peacefully, but rather an acknowledgment of a shared core of beliefs, small in number but indispensable to the health of human souls and societies alike. Within Islam, this is the conviction that there is no God but Allah, and Muhammad is his Messenger. This Islamic liberalism, so to speak, allowed Shia Muslims to hold high offices under the (Sunni) Abbasid Caliphate, much to the astonishment of today's Wahhabists and Salafists. "The closing of the Islamic mind," he avers, "at least in this respect, is very much a modern phenomenon."

He suggests that if Muslims had glimpsed the Enlightenment's glare from a distance, they might have followed a Tocquevillian path from monarchy and tribalism to some more republican form of self-rule. But "the maturing of Islam's political culture into the modern period was thwarted by the violent disruption of Islam's civilization by European powers." Absent imperialism, Islam could have produced, on "its own impetus," "its own version of checks and balances on rulers and its own system of rights and duties, compatible with its own legacy." He finds a basis for Islamic self-government in "a short but decisive Quranic verse [Koran 42:38]: '[The Muslims'] communal business is to be transacted in consultation among themselves.'" Allawi prefers an expansive reading of the term "themselves," maintaining that it refers to the "entire community; in effect, across the entire adult population," and not merely tribal elders or adult males.

WOULD SUCH A "CIVILIZED" POLITICS include non-Muslims in the ruling body? Allawi does not explicitly say if "accommodation" means shared rule. He inclines to brush aside non-Muslim reservations concerning such matters. To associate Islam "with fanaticism and violence" has become a "deeply rooted" habit "in the psyche of westerners." But in places like Southeast Asia, he asserts, Muslim conquests were mostly not conquests at all but voluntary conversions "prompted by the example of Muslim merchants." And dhimmitude—the subordination of non-Muslim minorities in majority-Muslim regimes—was primarily an attempt to protect those minorities.

This description of peaceable, accommodating Islamic rule might be more reassuring if it were more believable. From its beginning, Islam came to sight as a fighting faith. It combined the military conquest and civil rule seen in ancient Israel with the universality of Christianity; Islam has always been imperial in its ambitions. Like the experienced merchant that he was, Muhammad never hesitated to negotiate his way to the next expansion, whenever possible; but neither did he shrink from the use of force, especially in the last decade of his life. His successors shrank from it a great deal less.

Today, Allawi writes, "the issue is whether Muslims want to create and dwell in a civilizational space which grows out of their own beliefs without disrupting the world of others." Indeed so, but would Muhammad approve? And if he would approve such a strategy as a temporary measure, would he deem "live and let live" a godly policy after such a civilization were achieved?

Allawi's testimony itself gives pause. Although "the idea of human rights can be traced both to biblical sources and to the notion of a

natural law which would be separate from divine revelation," modern human rights derive from Western convention or "tradition." Such modern "ideals" as liberalism, democracy, and secularism, if adopted by Islam, would destroy its "separate civilizational space." For example, Article 18 of the Universal Declaration of Human Rights guarantees not only the right to choose your religion but to "change it"—a violation of Islamic law, which permits conversion to Islam but never from Islam. This means that Muslims must insist that what's ours is ours and what's yours is—negotiable, a stance impossible to reconcile with natural right, ancient or modern.

Allawi assures his readers that Islam is the only major religion that rules no major state—or "core state," to use Samuel Huntington's term—and therefore harbors no new empire. Perhaps so, but hasn't that made terrorism all the more attractive to radical Islamists? Neither the destruction of the World Trade Center, the attack on the Pentagon, nor the attempted attack on the White House could make America collapse, but they were to say the least vigorous efforts in that direction, and part of a larger war of attrition against the United States and, in principle, all regimes radical Islamists anathematize—a fair number, as it happens. Allawi wants sharply to distinguish classical Islamic rule from modern Islamist tyranny, but the two do rather bleed together at times, despite his best efforts. He doesn't help his case by insisting that "the war against terror was really a war against Islam itself."

THESE CRITICISMS SHOULD NOT DETRACT too much from what Allawi does well. He strikes me as a successor to the sober, moderate Muslim scholars he admires and writes about with such feeling. In deploring the attempt by modern liberalism to "privatize" religion, to reduce its authority in public life, and at the same time insisting that Muslims govern themselves justly and civilly, has he not, through his very virtues, effectively "privatized" himself? Can his form of Islam, whether the true Islam or not, ever find a home—except in exile? Is he finally—despite his longings—most nearly at home in the natural-rights republic, where George Washington welcomed Catholic, Jew, and Quaker so long as they "demean themselves as good citizens"?

Will Morrissey holds the William and Patricia LaMothe Chair in the American Constitution and is associate professor of political science at Hillsdale College. He is author of The Dilemma of Progressivism: How Roosevelt, Taft, and Wilson Reshaped the American Regime of Self-Government (Rowman & Littlefield).



Book Review by Jean Bethke Elshtain

GOOD CITIZENS

The Democratic Virtues of the Christian Right, by Jon A. Shields.
Princeton University Press, 216 pages, \$29.95

DURING AN INTERVIEW AT A PUBLIC radio station a decade ago—I was in a town in upstate New York, lecturing at the local university—the interviewer informed me in alarmed tones that something quite awful had recently occurred in the city. “The Christian Right,” he intoned, had “taken over” the local school board and had succeeded in “grabbing” seats on the city council. How had this allegedly awful thing happened, I asked. A coup? Threats? Extortion? Blackmail? Election fraud? No, a group of citizens had fielded candidates for local office, run effective campaigns on a shoestring budget by relying entirely on volunteers, and had won.

The radio host continued: “What could those concerned with this ‘threat’ do about it?” “Politics,” I replied. The candidates supported by Christian political action were elected fair and square, after all, and in a society with regular election cycles you can field your own candidates next time around and out-organize your opponents. This is Civics 101. I fear my response failed to match his alarm. Didn’t I realize “these people” were taking over?

Jon Shields, a professor of government at Claremont McKenna College, is trained in American politics and empirical political science, and in his new book he puts paid to the ignorance and even bigotry lying behind the questions put to me all those years ago. Far from being a threat to American civil society, “Christian Right leaders routinely anchor secular, deliberative norms in their faith” and, to the degree they do so, argues Shields, they are acting in ways entirely consistent with “participatory egalitarianism” and our “long tradition of democratic education in American social movements.” Shields’s closely reasoned study focuses on theologically conservative Christian citizens committed to civic freedom and democratic procedures. They are strongly opposed to any official establishment of religion—including their own—because that would undermine one of their most cherished principles, namely, the free exercise of religion.

Shields reminds us that the rational-choice, interest-based model of politics dominating most political science departments treats a morally passionate politics as a distortion, even a

menace. By definition, rational political actors should be “calculators of marginal utility,” seeking to satisfy some material, political, or economic interest. In the author’s words, the impoverished but reigning “social-scientific logic” holds that “noneconomic interests compromise deliberative ideals because they are engaged in an inherently irrational, even pathological, defense of symbols, status, cultures, and world-views.” Shields challenges these assumptions. Using participant-observer interviews and techniques, visiting college campuses and other sites of political action, conducting surveys and consulting other forms of empirical data—in short, deploying the apparatus of social science minus



its guiding rational-choice assumptions—he finds that Christian leaders are, in fact, committed to rational argument and democratic deliberation.

To be sure, there are uncompromising extremists here and there, as there inevitably are around “the fringes of social movements”—any strong social movement—but these are marginal, not central. Overwhelmingly, what Christian leaders teach new activists is “how to engage the wider public” and how to mobilize and sustain their moral commitments in so doing. In one graph- and statistics-laden chapter, the author displays the many ways in which Christian leaders, by insisting that civic

engagement is a moral obligation, have drawn tens of thousands to greater participation.

Shields was surprised to find there was much more openness to debate and deliberation on the part of Christian citizens, including college students, than on the part of those who condemn them. With abortion politics as his case study, he cites chapter and verse from pro-choice organizing literature (and other sources) instructing activists *not* to debate nor even engage with their pro-life opponents.

What’s more, it is pro-choice spokesmen who incessantly paint the pro-life position as narrowly sectarian and exclusively religious, and therefore illegitimate. By contrast, pro-life literature frames the matter as one of human rights and the common good—a concern of all citizens, not just believers.

IT IS DIFFICULT TO ARGUE WITH SHIELDS’S conclusion that Christian activists have enhanced “the participatory character of American democracy.” Sadly, I doubt his careful study will make a dent in our cultural elites’ standard narrative: that Christian activism, at least Christian activism by theological and social conservatives, is a very bad thing because it violates church-state separation and aims to destroy everyone’s freedom. Yet, if Christian activism tracks with the self-described “progressive” agenda, the dark murmurings about theocracy simply melt away.

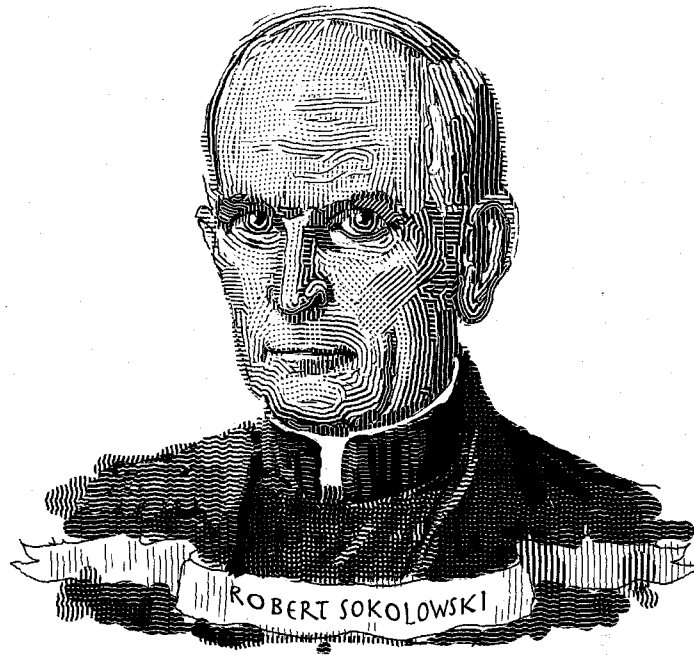
Of course, all too many Christians lump together hardcore, intolerant “secularism” and the commitment to non-sectarian government, as if these were cut from the same cloth. The difference is that among Christian activists and analysts, such reductionism is challenged and criticized. We still await the critical voices among self-described “progressives” who will take on the venomous cant directed at thousands of our fellow citizens.

Jean Bethke Elshtain is the Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago and the Thomas and Dorothy Leavey Chair in the Foundations of American Freedom at Georgetown University. She is the author, most recently, of *Sovereignty: God, State, and Self* (Basic Books).

Book Review by Robert Royal

COMMON SENSE AND PHILOSOPHY

Phenomenology of the Human Person, by Robert Sokolowski.
Cambridge University Press, 360 pages, \$85 (cloth), \$26.99 (paper)



THE QUARREL BETWEEN THE ANCIENTS and moderns is one of the commonplaces in the history of philosophy, and in history, period. As with all such disputes, there is a quarrel about whether it is really a quarrel and, if so, what the quarrel is about. One defensible account: the ancients, in various ways, took a rich notion of nature as a standard for individual persons and human societies. The moderns, in equally various ways, came to regard nature—at the very moment that modern science was coming to know the universe better than ever—as something either hostile or indifferent to us that provided little guidance in human affairs. Plato, Aristotle, the Stoics, and the great medieval thinkers like Thomas Aquinas all belong with the ancients. Machiavelli, Hobbes, Descartes, Locke, Hume, Kant, and many more recent figures stand among the moderns. Several private and public matters that appear to be simple questions of preference in fact reflect a fundamental disagreement over the very nature of the world and our relationship to it. A great deal hangs in the balance and the quarrel has not been very well conducted. As Leo Strauss once put it, “*La querelle des anciens et des modernes* must be renewed—it must be repeated with much greater fairness and greater knowledge than it was done in the 17th and 18th centuries.”

Robert Sokolowski is one of the great living phenomenologists, a modern philosophical school whose very name typically evokes a certain dread of Teutonic heaviness and interminable wrangling over abstruse terminology.

But he writes with a lucidity and pointedness that is hard to come upon in Edmund Husserl, the 20th-century father of the movement, to say nothing of Husserl's more famous students such as Martin Heidegger. In *Phenomenology of the Human Person*, Sokolowski, a philosophy professor at the Catholic University of America, tackles an astonishing range of questions and resolves a number of intellectual confusions without sinking beneath the weight of conceptual complexity. And as he says towards the end of this enlightening text,

The resources provided by phenomenology allow us, I believe, to transcend the difference between ancients and moderns. They offer a way to pursue philosophy as such, without being forced to be contemporary only at the price of turning away from the ancients. They permit us to read classical writings not just as historical phenomena but as material for recapitulation.

Sokolowski makes this claim after a dense but consistently insightful parsing of the forms of human thought, thought's contents, how the body and human action are related to thought, perception, wishes, and choices, and a host of other issues. The advantage of the phenomenological method is that it tries to get at the *phenomena*—appearances, but not mere appearances as those have been understood since the Cartesian split between the mind and the world. By reflecting on and describing a great range of things and events that are clearly formulable in our experience, we

can in fact affirm in defensible ways some of the realist insights of the ancients.

THE THREE FIGURES SOKOLOWSKI CHOOSES to illustrate his methods and conclusions in the final section of the book are Aristotle, Aquinas, and Henry James. The first two are, of course, not surprising. What he tries to show is that, for the most part, Aristotle and Aquinas provide us with a different and more humanly fruitful epistemology, which is to say an account of human being and knowledge in the world. In their different ways, those two figures emphasize knowledge as a kind of unity between knower and known, with very careful spelling out of the nature of that unity. Intermediaries—those odd representations, images, impressions that come between us and the world in so many of the moderns—in his view are either to be differently conceived or reduced to a minimum. In Descartes, Hume, Kant, and several related figures, for example, the only things we know are representations in the mind. Then the problem becomes how do we connect these representations within us to the world outside us? As has often been pointed out if the problem is conceptualized this way, it has no solution. If you start with internal impressions, you can't ever really get outside those impressions to anything else.

Phenomenology as Husserl conceived of it begins at a different point, though even Husserl was not always consistent about his main insight, which confronts the Cartesian split that divides us from the world. Husserl assumes that we and the world are already in some relationship (why

would we even think there's an external world if all we have are impressions inside our heads?). To assume that we exist in a world means that we must regard the world as possessing qualities that allow it to disclose itself. And our minds must possess qualities that allow us to be involved with that disclosure in ways that make us see that part of the description of the human person involves titles such as "agent of truth." At its best, phenomenology traces out features of this relationship and shows how even phenomena like error and illusion do not invalidate the basic insight, which allows us to re-read the ancients with profit while taking into account the challenges of the moderns.

OUR RELATIONSHIP WITH THE TRUTH OF the world is complex and many layered, which is perhaps why Sokolowski chooses to end his analysis with a chapter on that subtlest of novelists, Henry James. James writes often of this or that character "taking in" some reality. As we know from our own experience, such "taking in" may range from the very casual—taking in a movie or a landscape—to the highly complex: say, a particle physicist's piecing together of some new subatomic relationship; or Lambert Strether's realization in James's *The Ambassadors* of the meaning of an intricate web of human relationships, a conclusion built up over time out of bits of knowledge of various kinds and shadings, reflecting realities of similarly varied natures. The mere awareness of these multitudinous forms of existence gives phenomenology, in the right hands, a grasp of the world that often makes both ancient and modern models of cognition appear quite crude.

Among the many things that result from such an analysis is an appreciation for parts and wholes, which have marvelous technical meanings in phenomenology. Philosophy is in a sense the way we recognize and think through these meanings. For example, Sokolowski remarks, "The physics of nature ultimately makes a place for what John Archibald Wheeler calls observation and measurement, what Niels Bohr calls registration, and what Michael Oakeshott calls verdicts, all of which are part of intelligent life." And one of the things that has a place made for it is our sense of how these various levels of existence fit together as a whole:

It is wondrous indeed that the cosmos contains a part that can discover something about the whole, but that same part also engages in more ephemeral and localized pursuits. It decides to fight or to flee, it gives and it takes, it befriends and betrays. It undergoes attachments and loss because it wants to be happy, and its syntax of action is no less subtle than the grammar of its speech. It carries out its actions through the understanding it

has of the situation in which at the moment it finds itself, in response to the other agents and speakers who are involved with it. It can declaratively say "I" when engaged in such practical activity and such emotional involvements. It can use that sign design because its action is based on an understanding that occurs within articulated syntax. Moral syntax can be casual and relaxed, but it can also react with fierce intensity; even a brief encounter can be a transaction whose syntax gets so tangled that the protagonists destroy themselves—or almost destroy themselves—under the strain.

In a way, this description is merely a very eloquent statement of common sense. But in another it recovers a wide range of experience and human action often present only in fragments for philosophical analysis, when it is present at all.

In that regard, the phenomenology of the human person as Sokolowski presents it enriches the philosophical reading of both ancients and moderns because it emphasizes the full and public nature of knowledge and action. Oddly, given its basic thrust, phenomenology has not produced very much in terms of political philosophy. In that, too, perhaps it resembles Henry James, who looked hard at the competing attractions of the esthetic and the political in *The Princess Casamassima*, but otherwise rarely gives the impression that he thought social and political affairs a major dimension of human life. Sokolowski briefly touches on and illuminates political questions at many points without himself developing any of them fully, perhaps because he regards philosophical discourse at its deepest as something different and almost *sui generis* in the modern world:

Machiavelli and Hobbes force the philosophical speaker or writer back into being one of the contenders in the natural attitude [towards things] and the practical order. For them, ruling is the best life, not thinking, and the mind essentially governs and does not contemplate. In canceling the philosophical attitude, they cash out the theoretic life in order to buy the effective truth of things.

As this remark might also suggest, there may be something peculiar about modern states that discourages examining them for deep truths. In *The Republic*, Socrates famously remarks that he is going to try to explain human beings by looking at political structures because the latter are a kind of human person writ large, and therefore make human features easier to read. In our time, the truths that phenomenology uncovers at the other end of the spectrum—the nature and functions of the concrete human

person—are eminently suited to supplement some of the narrowness of scope and looseness of conception that mark many modern democratic systems. But this analysis of the person also lays quite a bit of emphasis on things like the public nature of reason, which are generally downplayed in modern thought.

Sokolowski's phenomenological account of the human person, then, is the kind of preliminary work that needs to be undertaken if we want to be able to think about public life and human communities as having some sort of purpose rooted in nature and human nature rather than as merely the aggregate of untethered individual choices. Phenomenology may have a fair chance at doing this precisely because of its thick Jamesian sense of reality:

The philosophical desideratum is not simply to return to Aristotle but to restore the validity of what he describes within the context set by the great transformation brought about by modern thought, and one of the elements in such a restoration is the recovery of the publicness of the mind that executes judgments. Along with this restoration of mind is the rediscovery of things as having essences, properties, and ends, which govern the purposes we set for ourselves.

LEO STRAUSS'S SUGGESTION THAT THE quarrel between ancients and moderns needs to be revisited with greater knowledge and greater fairness may have, in effect, been taken up in Sokolowski's work. How else can you characterize the intellectual generosity of a man whose touchstones are Aristotle, Aquinas, and James, and yet can write:

Hume's *Treatise* and John Locke's *An Essay Concerning Human Understanding* are marvelous works of metaphysics.... They make many wonderful observations, but they spoil it all by claiming that everything they say applies only to the walls of the cabinet of their minds, to ideas, impressions, or perceptions, not to the being of things.... If we could use something like a philosophical virus scan to clear away the distorting subjectivism infecting these writings, we would be left with metaphysical treatises that compared favorably to the classics of that genre.

Sokolowski has made considerable strides towards that and many other highly desirable goals.

Robert Royal is president of the Faith & Reason Institute in Washington, D.C. and the author of *The God That Did Not Fail: How Religion Built and Sustains the West* (Encounter Books).

Book Review by Cheryl Miller

SIMPLE GIFTS

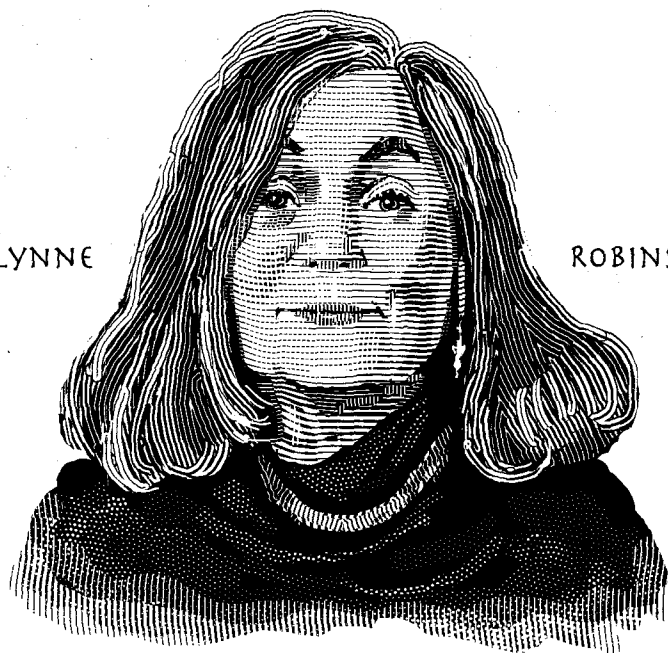
Gilead, by Marilynne Robinson.

Farrar, Straus and Giroux, 256 pages, \$23 (cloth), \$14 (paper)

Home, by Marilynne Robinson.

Farrar, Straus and Giroux, 336 pages, \$25 (cloth), \$14 (paper)

MARILYNNE



ROBINSON

MARILYNNE ROBINSON IS AN ANOMALY in American fiction; has any writer had a stranger career? When her first novel, *Housekeeping*, appeared in 1980, she was hailed as the next great American female regionalist writer, a Willa Cather or Sarah Orne Jewett. Her book was quickly deemed a modern classic, shortlisted for the Pulitzer Prize and awarded the PEN/Faulkner Award for Fiction. Robinson went from prestigious perch to prestigious perch as a visiting professor and writer-in-residence at numerous colleges, finally landing at the Iowa Writers' Workshop in 1989, where eager critics hoped she'd finally produce a second novel.

But like her heroine Ruth Stone, the teenage drifter in *Housekeeping*, Robinson is an incurable wanderer, and she soon abandoned the planned second novel. Instead, she embarked on a series of ferociously polemical and deeply contrarian essays: *Mother Country: Britain, the Welfare State, and Nuclear Pollution* (1989), an exposé of the nuclear power industry in Britain; and *The Death of Adam* (1998), a defense of Calvinism against modern thought.

Then, in her sixties, having been written off as a one-hit wonder, Robinson finally published her second novel. *Gilead* (2004) was as complete a departure from her previous work as one could imagine. Whereas *Housekeeping* was

a dark coming-of-age tale about two orphaned sisters, *Gilead* was a sweet-tempered, almost sentimental novel, the last testament of an Iowa minister to his young son. In 2005, it won the Pulitzer Prize, in what was assumed to be the crown of a distinguished, if unusual, career. But Robinson had yet another surprise in store, and a mere four years later *Home*, a companion novel to *Gilead*, appeared.

Both *Gilead* and *Home* concern the doings of two preachers, lifelong friends, who are dying together in the small town of Gilead, Iowa, during the late 1950s. *Gilead* takes the form of a letter; its writer is the younger of the two men, the 76-year-old Rev. John Ames. Ames has married late in life, and, troubled by an ailing heart, expects soon to leave behind his young family. So he begins a long letter to his not-quite-seven-year-old son detailing the family history (his "begats," as Ames calls them) over a century. *Home* covers many of the same events as *Gilead*, but focuses on the house of Ames's closest friend, the Rev. Robert Boughton. Boughton is near death, and his youngest daughter, Glory, has come home to care for him. The two friends spend their last days peacefully, playing checkers and debating politics and theology, until Boughton's wayward son and Ames's godson, Jack, unexpectedly returns to Gilead, seeking his father's blessing.

The two novels have met with considerable praise; the *London Times* declared Robinson no less than "the world's best writer of prose." If that weren't enough, the enthusiastic reviewer went on to say, "I'm not saying that you're actually dead if you haven't read Marilynne Robinson, but I honestly couldn't say you're fully alive." Few reviewers would quibble with that assessment: Robinson's writing has been touted as "luminous," "lyrical," even "Melvillean." "Robinson has few rivals at the sentence level," wrote one admiring critic.

THESE LAURELS ARE WELL MERITED. Robinson's language is as lovely as its admirers say—sparse yet concentrated, rich in metaphor and allusion, and suffused with a sad tenderness. At times, her prose approaches a kind of pastoral plainsong. Consider this representative passage from *Gilead* with Robinson in full Melvillean mode:

I feel sometimes as if I were a child who opens its eyes on the world once and sees amazing things it will never know any names for and then has to close its eyes again. I know all this is mere apparition compared to what awaits us, but it is only lovelier for that. There is a human beauty in it. And I can't believe that, when we have

all been changed and put on incorruptibility, we will forget our fantastic condition of mortality and impermanence, the great bright dream of procreating and perishing that meant the whole world to us. In eternity, this world will be Troy, I believe, and all that has passed here will be the epic of the universe, the ballad they sing in the streets. Because I don't imagine any reality putting this one in the shade entirely, and I think piety forbids me to try.

What might have been cursory moments in other novels are similarly transformed by Robinson's art, imbued with both beauty and insight. Here, in one of the loveliest sections of *Home*, Glory recalls an old oak tree on the Boughton property:

[It] flung its imponderable branches out over the road and across the yard, branches whose girths were greater than the trunk of any ordinary tree. There was a torsion in its body that made it look like a giant dervish to them. Their father said if they could see as God can, in geological time, they would see it leap out of the ground and turn in the sun and spread its arms and bask in the joys of being an oak tree in Iowa.

AS CELEBRATED AS ROBINSON'S STYLE IS, her choice of subjects has provoked a certain critical befuddlement. "A Reverend, recounting his life?" lit blogger Emily Cook asked skeptically of *Gilead*, "the topic sounds utterly boring." Cook was not alone. Many reviewers felt the need to reassure their readers that neither novel, despite the focus on as homely a subject as two Midwestern ministers' lives—lives which intersect with such events as the American Civil War and the civil rights movement—was dull. "This book [*Home*] is the opposite of slow or suffocating," raved Ann Hulbert in *Slate*, while *n+1*, the hipper-than-thou journal of the young literati, was almost apologetic for praising a novelist who writes about "country bumpkins"—and, worse still, believing Christians. But rest assured, wrote *n+1*, "you don't have to be Christian to appreciate Robinson." Nor is her "this-worldly" religion your typical Christianity: "one branch as crazy as the other, at best merely different brands of ineffective analgesic for the afterlife, whose specific worldly demands more often cover for intolerance than rise to an even basic level of morality." Still another critic—this one in the *Atlantic*—wondered aloud why "intelligent Iowa preacher" seems like an "oxymoron to contemporary ears."

To these baffled reviewers, Robinson might say the blame lies with our contemporary ears. She has called *Gilead* a corrective to our "cul-

tural amnesia," and all her work seeks to recover and reclaim the forgotten. How sad it is, she writes, "that a society with a history of hope and intention can forget that anything bold or generous, anything of interest, ever happened there." In *Gilead* and *Home*, she takes the Midwest of the 1950s—a place we think unintellectual and provincial; an era we consider stultifying and complacent—and finds a lost history. She presents us with clergymen who, far from being simple "country bumpkins," discuss Feuerbach, Sartre, Gide, and Karl Barth. In tracing Ames's "begats," she shows us a Midwest which is historically central, even revolutionary—committed to the causes of abolitionism, social reform, and liberal education. She recalls too a time when "the link between popular religion and high intellectual achievement, between religious enthusiasm and generous and transformative change" was yet unbroken. As Ames reminds us, Iowa was once known as "the shining star

Robinson's language is as lovely as its admirers say—sparse yet concentrated, rich in metaphor and allusion, and suffused with a sad tenderness.

of radicalism"; its early settlers—among them Ames's grandfather—compelled by religious conviction to leave their comfortable homes in the East and brave the frontier in hopes of checking the spread of slavery and establishing way-stations along the Underground Railroad.

The past has much to teach us—that might be the constant refrain of Robinson's work. In *The Death of Adam* she writes that "we have taken too high a hand" with the past, approaching it with either "hostility" or "ill-informed condescension." This imperious attitude proceeds from an idea of moral progress Robinson rejects: "It is a dangerous error," she writes, "to imagine that opinion had to have been more benighted in 1835 than it was in 1935." In tracing the Midwest's forgotten history in *Gilead*, she points us to the region's small liberal arts colleges—Knox, Antioch, and Oberlin—which admitted African-Americans and women long before the Civil War. (Most of these colleges were founded, as Robinson wryly noted in a 2007 speech, by a "clutch of fiery preachers...based on the assumption, which proved true, that the populations that also found their way to the prairie would

have an interest in Latin and Greek, mathematics and logic.") In *Gilead*, Glory recalls finding in Gilead's various households "hidden cellars or cabinets" meant to hide fugitive slaves—a tangible reminder of the town's radical roots. Gilead itself was once racially integrated, but its small black community moved on after their church burned down. Our ancestors, Robinson insists, were more "advanced" than we give them credit for—often much more "advanced" than we.

GILEAD AND HOME ARE EACH DEEPLY CONCERNED with the transmission of ideas and values from one generation to the next. In both, there is a rift between generations: Ames and Boughton are each divided from their sons. Ames will not live to see his boy grow into a man, and Boughton has only recently been reunited with his estranged son Jack after his disappearance 20 years ago.

These rifts are deepened by the political and social context in which their story plays out—it's no accident that the two novels take place on the cusp of the 1960s. Ames seems to sense the coming cataclysm; in *Gilead*, his first words to his son suggest the distance between them. He is old, he tells him, and his son (who will be college-aged just as the Cultural Revolution is getting underway) will likely lead "a very different life" from his own. Indeed, the reader never learns the son's name, leaving open the question whether he will continue the family tradition as another Rev. John Ames, like his father, grandfather, and great-grandfather before him.

Already, Ames sees how the old ways are coming under attack. Even in sleepy Gilead, his young parishioners are reading Sartre and Gide and come to him demanding "proofs" of Christianity's truth. He refuses—"nothing true can be said about God from a posture of defense"—in part because he fears that the two generations can no longer communicate with each other: "I have thought about that very often—how the times change, and the same words that carry a good many people into the howling wilderness in one generation are irksome or meaningless in the next." His grandfather, a fiery abolitionist and preacher, brings the first settlers to Gilead after seeing a vision of Christ commanding him to aid the anti-slavery cause in Kansas. But when the old man recounts this experience years later at the town's Fourth of July celebration, it is greeted with "laughter of the kind you hear when the outlandishness of a thing is being generally agreed on." Ames's religion is much more this-worldly than his grandfather's—he never experiences such a visitation—and yet he fears it will seem just as outlandish to his son.

What Ames fears is not uncertainty or doubt: "The Lord gave you a mind so that you would make honest use of it," he tells his son.

He grudgingly respects the principled atheism of his older brother, Edward, and even the disbelief of Jack, who, he appreciatively notes, can quote from Scripture as readily as his father, Boughton. What troubles him is the dismissiveness, the disregard with which the younger generation treats the past. Their skepticism, he thinks, is more a pose than an honest wrestling of the soul—"the mustache and walking stick that happen to be the fashion of any particular moment." He yearns to strip away these "accretions of smugness and pretense and triviality."

AS GENTLE AND MILD AS *GILEAD* AND *Home* are in tone, the critique of American culture within is as fierce as anything in Robinson's more polemical essays. Both books are a challenge to what Robinson calls the "American salvation myth": "Americans," she writes, "never think of themselves as sharing fully in the human condition, and therefore beset as all humankind is beset." The town of Gilead, with its Biblical namesake—one common in 19th-century America, Robinson notes—believes these utopian aspirations: its first settlers wanted "to create a place where there was balm," where "the pain of other civilizations would be answered."

Yet bold and generous as such intentions may have been—and Robinson has great admiration for these hardy souls—our best efforts will always be wanting: "Gross error survives every attempt at perfection, and flourishes." Robinson may call herself a liberal Protestant, but it's not for nothing that she says "my heart is with the Puritans"—no novelist working today has a deeper understanding of original sin. For Robinson, discontent is our natural condition. "There is a wound in the flesh of human life that scars when it heals and often enough seems never to heal at all," Ames reflects in *Gilead*. Glory too wonders "how the soul could be put at ease, restored. At home." But such a restoration cannot be achieved: "[W]e are the Ishmael of species...while we belong in the world, we have no place in the world." We are never at home.

Robinson allows that this might seem a "harsh doctrine," but it has proven far kindlier than the belief that we can "reason our way to a code of behavior that is consistent with our survival, not to mention our dignity or our self-love." Ever the student of history, Robinson asks, "what could have been more brutal than these schemes to create happy and virtuous societies?" It is our desire to remake the world "without strain and conflict," she reminds us, that has "made most of the barbarity of our century seem to a great many people a higher philanthropy." By contrast, "the belief that we are all sinners gives us excellent grounds for forgiveness and self-forgiveness." As Glory recalls

of her father's sermons: "He did mention sin, but it was rarefied in his understanding of it, a matter of acts and omissions so commonplace that no one could be wholly innocent of them or especially alarmed by them, either."

IT'S A COMMON COMPLAINT OF ROBINSON'S novels that not much happens, and both *Gilead* and *Home* are, to some extent, novels about the insufficiency of human action. The restoration sought is ultimately thwarted: the prodigal son, Jack, returns, only to be lost again; father and son go unreconciled; the homecoming "yields no dulling of pain, no patching of injuries." Yet neither *Gilead* nor *Home* is a bleak book—there is ultimately balm in *Gilead*, even if it cannot make the wounded whole.

"Imagine that someone failed and disgraced came back to his family," Robinson writes in *The Death of Adam*, "and they grieved with him, and took his sadness upon themselves, and sat down together to ponder the deep mysteries of human life." That, very simply, is the action of both

No novelist working today has a deeper understanding of original sin.

Gilead and *Home*. In the arms of the family, in their unconditional acceptance, does the failed and disgraced son find comfort and solace.

The family as a sacrament of redeeming grace—that is the essence of Robinson's Christianity. Or as Ames, pondering his old sermons, suddenly realizes: "The Prodigal Son as the Gospel text." In each, there is the "absolute disjunction between our Father's love and our deserving." The parable of the Prodigal Son, like the Gospel, emphasizes grace over forgiveness—the father remains the father, without condition. "The grace of God is sufficient to any transgression," Ames repeatedly tells his parishioners. But grace, as Ames knows, is a mystery, one difficult for us to understand, much less practice. Ames himself admits to being "irritate[d]" by "this same disjunction between human parents and children." He cannot put aside his anger at his godson Jack—"a wound in his father's heart"—although he knows that if Boughton "could be himself, he would utterly pardon every transgression, past, present, and to come.... He would be that extravagant." Such extravagance of love is natural to, and inseparable from, the parent-child bond. Ames, unable to forgive Jack his wrongdoing, can assure his own son that "I

hope you are an excellent man, and I will love you absolutely if you are not." When Jack leaves his father on his deathbed, Ames is enraged: "It was the kind of thing only his father would forgive him for."

"It is in family that we most often feel the grace of God, His faithfulness," Boughton tells Ames. This is no mere platitude for Robinson. For it is only among family that we can escape our "uniformly conditional relationships," that we can hope or expect to be loved in spite of our disgrace and our failure. As she writes in *The Death of Adam*:

I think the biological family is especially compelling to us because it is, in fact, very arbitrary in its composition.... And that is the charm and the genius of the institution. It implies that help and kindness and loyalty are owed where they are perhaps by no means merited. Owed, that is, even to ourselves. It implies that we are in some few circumstances excused from the degrading need to judge others' claims on us, excused from the struggle to keep our thumb off the scales of reciprocity.

Nowhere is this more evident than in *Home*, where family is presented as mutual service. The Boughtons and the Amesese grieve together, but more often they bake pies or fold laundry for one another. *Home* abounds in these "rituals of the ordinary" transfigured by familial love into "acts of faith." Thus, Glory, preparing dinner, wonders to herself: "How to announce the return of comfort and well-being except by cooking something fragrant." Or watching Jack kneel to unlace their father's shoes: "His father regarding him with such sad tenderness that she wished she could will herself out of existence, herself and every word she had ever said."

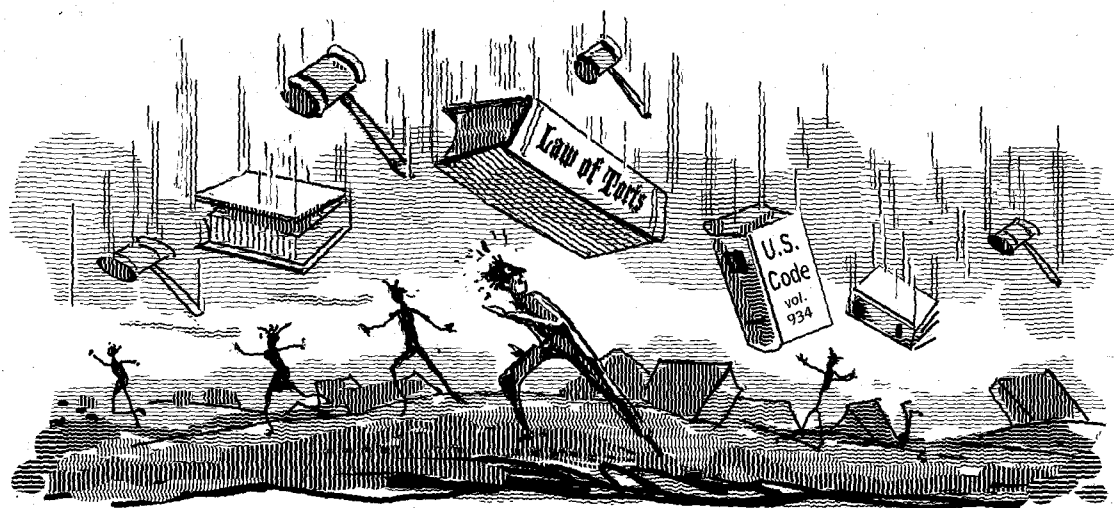
Moments like these are examples of what Robinson in her earlier novel, *Housekeeping*, calls "the resurrection of the ordinary." As he unties his father's shoes, Jack is revealed to Boughton and Glory—they can see in that moment what God sees "when His regard fell upon any of us." It's what Ames sees when Jack comes to him, ready to leave *Gilead* and seeking his blessing: "He did then seem to me the angel of himself, brooding over the mysteries his mortal life describes, the deep things of man. And of course that is exactly what he is." He recognizes it as a moment of grace, "a sort of ecstatic fire that takes things down to essentials." All experience has this visionary quality, Robinson tells us, but for now, we see through a glass, darkly.

Cheryl Miller is editor of *Doublethink* magazine.

Book Review by Richard E. Morgan

WHEN THE LAW IS AN ASS

Life Without Lawyers: Liberating Americans from Too Much Law, by Philip K. Howard.
W.W. Norton & Co., 224 pages, \$24.95



HAS LAW BECOME THE ENEMY OF LIBERTY in 21st-century America? Most people will bridle at the suggestion; those on the Left will recall the role of law in liberating African-Americans after 1954, while those on the Right will think of the mighty contributions to liberty deriving from legal protections of property and contract. But those on either side who seriously attend to this provocative little book might just change their minds.

Philip Howard is a partner at Covington and Burling, active in civic organizations in New York City, and a self-described "legal reformer" whose observations on the ever-expanding legal imperium have appeared on many op-ed pages. His previous book, *The Death of Common Sense* (1995), demonstrated powerfully that the substitution of "process" for human judgment in the law is causing profoundly irrational social effects.

In this new book, Howard covers some familiar ground. He attacks the extension of tort liability in recent decades (ever more "creative" notions of who can sue whom for what), and the frequent capriciousness of damage awards wrung from pliant juries. He also addresses the unceasing creation of new individual rights (both rights against government and rights against other individuals); he laments (again) the proliferation of procedural requirements and constraints that render effective leadership and the pursuit of excellence increasingly difficult in both public and private institutions. But what makes the book much better than its predecessor is not the hair-raising series of examples he presents, but rather

his perceptive accounting of the costs of all this, of what is lost by the encroachment of too much law into too many aspects of our lives. What is lost is liberty.

Discussing the plague of preposterous lawsuits that has descended on our land, for instance, Howard highlights the case of a "volunteer for the Legion of Mary in Milwaukee, delivering a statue of the Virgin Mary to an ill parishioner." The unfortunate volunteer ran a red light and caused an accident seriously injuring the other driver, an 82-year-old man. The victim, "in search of a deep pocket, sued the Catholic Arch-Diocese of Milwaukee," claiming it was liable for the acts of all volunteers, even in remotely affiliated organizations. Without a word (apparently without a thought) about the larger social implications of such galloping liability (an old lady bringing a casserole to church supper?) the judge sent the case to the jury that returned \$17 million in damages. "[L]awsuits in America," Howard concludes, "are limited mainly by the imagination of the lawyers." But then he takes account of the "liberty costs" of legal incontinence, quoting former Harvard president Derek Bok's observation that lawsuits "often have their greatest effect on people who are neither parties to the litigation nor aware it is going on." It is fear of being sued that causes people (towns, public officials, businessmen, teachers) to forgo their freedom to choose—"to do what they think is right...where there's even the slightest possibility someone might have a different view." The point is that "[w]hat people

can sue for is a key marker defining the scope of free activity." Ever expanding notions of liability resonate and reverberate through society. People become reflexively defensive, pulling in their horns, covering their backsides, and progressively forfeiting their liberty.

HOWARD'S CHAPTERS ON THE "LEGALIZATION" of the schools are equally devastating. He cites a study of all the legal rules imposed on a high school in New York City. The inventory found "thousands of discrete legal requirements imposed by every level of government." Of course, rules are sometimes desirable—no one celebrates the exercise of unbridled power by those in positions of authority—but what is sacrificed to a plethora of rules is the leader's capacity to exercise judgment, the indispensable quality that sustains success and satisfaction in all human (or humane) endeavors. It is precisely liberty to pursue excellence that is imperiled by reflexive legalizing. Howard reminds us that in certain important ways rules are also the enemy of justice. Justice involves a subtle fitting of disposition to the case at hand, employing a number of criteria which cannot all be specified in advance, which may themselves be in tension, and which are not susceptible to rank ordering. Law, by contrast, involves specifying certain gross aspects of human situations and treating these alone as decisive. Rules are mindless, indiscriminating things. They cannot be inflected to pick up the variety—the

differentness—of situations without sacrificing the one, sometimes valuable, thing they can deliver, uniformity of outcomes.

The proliferation of rules is closely related, of course, to the catastrophic breakdown of discipline in public schools. Howard invokes Professor Richard Arum, who concluded in *Judging School Discipline: The Crisis of Moral Authority* (2005) that “[t]he decline of order...is directly tied to the rise of ‘due process.’” Judicially mandated due process standards, and the cumbersome special education strictures embodied in legislation such as the Individuals with Disabilities Education Act, have made the liberties of students, teachers, and administrators increasingly captive to the most disturbed and disruptive pupils (and their parents and lawyers).

Howard understands the liberty issues involved because he properly understands that liberty is a binary concept. It has both an individual and a corporate dimension; it includes not only individual rights against government and against other individuals, but self-government—the capacity of groups of people to order significant aspects of their communities and institutions according to their own lights without external direction or control. This is what historian Herman Belz meant when he wrote some years ago of “the idea of self-government which defines American nationality—that is citizens governing themselves as individuals in local communities and private associations.” To enjoy liberty in this sense people must be able to choose leaders who can actually *lead*, who are not progressively disabled by a thousand strands of lawyerly restraint.

The march of legalization has pounded through all American institutions (think of doctors over-prescribing). Remember General Tommy Franks, focused on a screen showing the Mullah Omar’s car, framed in cross-hairs, racing out of Kabul, with an air controller in Arizona ready to pull the trigger, when Central Command’s JAG officer opines that doing so might violate a Ford-era executive order banning assassinations of heads of state. Anyone who doesn’t think that lawyers are increasingly influential in American councils of war hasn’t been paying attention.

HOW DID THIS HAPPEN TO US? HOW DID the law, historically the guarantor of our liberties, come so to overpower us and infantilize us? Here, Howard is not so helpful. He has written a fierce polemic and polemics are not long on explanations, yet an explanation we must have if we are to combat the malady effectively. Howard does take a first step when he writes that:

In the heyday of the rights revolution, in the 1960s and 1970s, the Supreme Court expanded the reach of the due process clause to personnel decisions for public employees. The basic idea is that competence can be proved in a legal hearing.

Well, the Court did that and much, much more. In *Goldberg v. Kelly* (1970), the Justices extended due process to administrative decisions to terminate welfare benefits, and in *Goss v. Lopez* (1975), the Court insisted on due process for even mild school punishments such as suspensions. The litany of Warren and later Supreme Court rights creation is long, complicated, and fills a five-foot shelf of books. But what is only now coming into sharp focus is how the Court’s rights revolution reverberated throughout American society. Private institutions, especially universities and other non-profits, rushed to legalize their own internal operations, emulating the models of “fairness” on display in the public sector. Private employers rushed to promulgate cumbersome, liberty-restricting rule books to protect themselves against complaints that they were insufficiently attentive to affirmative action or sexual harassment. So, the rights revolution, largely but not completely judicially driven (e.g., the Americans with Disabilities Act), drove contemporary hyperlegalization.

But what drove the rights revolution?

The answer to that, bringing us finally to the heart of the matter, is the consuming preoccupation with equality of condition that has been the intellectual hallmark of American elites over the last half century. It was this—that ever-so-visible inequality between the sympathetic injured plaintiff and the big public sector or private sec-

tor defendant—that fueled not only the Court’s rights revolution, but also the vaulting expansion of tort liability with ever more attenuated theories inserting plaintiffs’ lawyers’ hands into deep pockets. So what if the attribution of fault to the defendant is implausible—help out the little guy! The same egalitarian logic seeks to grind down all asymmetries of power. That is why we legally Gulliverize authority figures with a hobbling latticework of rules, because legalizing is thought to reduce what we are now taught to believe are the terrible dangers lurking in unequal relationships.

This stands the American political tradition on its head. For the revolutionary, founding, and formative generations, the purpose of government was to protect individual liberty, and tyranny occurred when government interfered with the kinds of individual and private group choices it was established to protect. This describes just as well the generation that won the Civil War and framed the 14th amendment. Of course, they were concerned with equality, but it was equality in the sense of *equal liberty*. Equality thus understood did not threaten liberty in the American intellectual and constitutional architecture, it enhanced it. The inherent tension between equality and liberty was a fruitful one. Ours was a *liberal* notion of equality, which responded temperately to the leveling impulse that had been part of Anglo-American political thought since the English Revolution.

In retrospect we can see how a misunderstanding of the idea of equality achieved a sudden ascendancy in the political imagination of Americans after 1960. Righting the great national wrong done to black people was imperative and inspiring, and equality was seen somehow to be at the center of that. But now, in the age of Obama, it is necessary to return to our intellectual roots, and to remember that it was not equality under despotism that the American revolutionaries fought for, but equality in liberty. Among many other good things, remembering this will arm us to resist the hyperlegalization that so burdens and diminishes our liberty today.

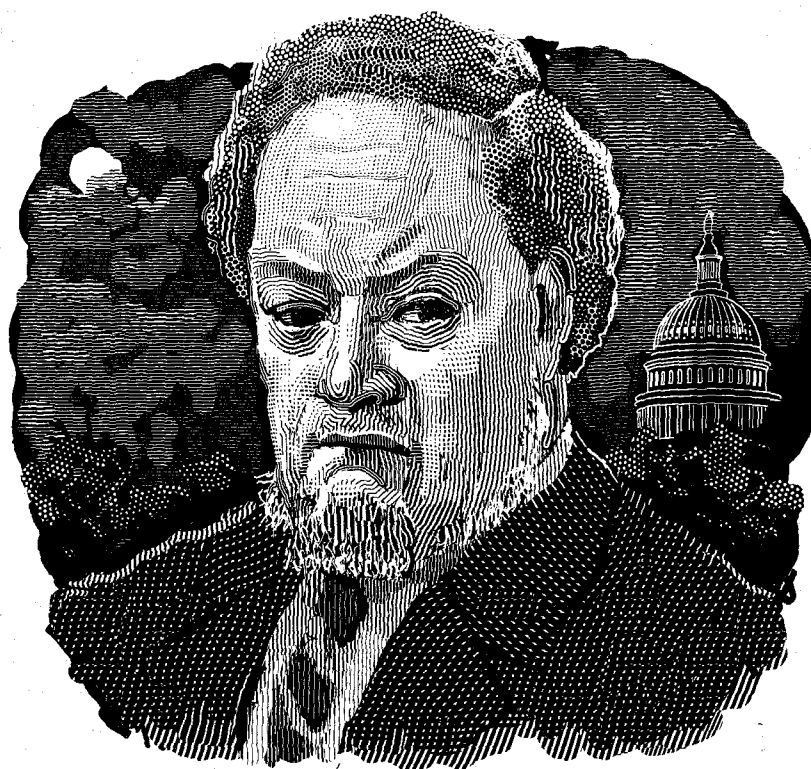
Richard E. Morgan is William Cromwell Professor of Constitutional and International Law and Government at Bowdoin College.



Book Review by Bradley C.S. Watson

THE OLD RACE OF JUDGES

A Time to Speak: Selected Writings and Arguments, by Robert H. Bork.
ISI Books, 750 pages, \$30



LONG BEFORE HIS LAST NAME BECAME A verb in the *Oxford English Dictionary*, Robert Bork had already enjoyed a distinguished career as a scholar and public servant. Now a distinguished fellow of the Hudson Institute and professor at Ave Maria School of Law, his latest book is a sprawling collection of the writings he has produced over more than four decades. Its publication offers us the opportunity to think about questions that citizens of a constitutional republic have a duty to think about.

Who among us—of a certain age, at least—can forget our current vice president's role in derailing Bork's Supreme Court nomination? Or the late Teddy Kennedy's not quite measured claims that

Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists could be censored at the whim of the Government, and...

and indeed.

The Bork nomination was a watershed event, one of those "eureka!" political moments for so many people who came to know—in a visceral, publicly televised, in-your-face sort of way—that there is something truly rotten about the manner in which a lot of people view the Constitution, including the constitutionally appointed gatekeepers on the federal bench.

As the Obama Administration looks forward to appointing judges who, in the words of our president, have "the heart, the empathy, to recognize what it's like to be a young teenage mom, the empathy to understand what it's like to be poor or African-American or gay or disabled or old," Robert Bork belongs increasingly, at least in certain respects, to what Joseph Story in the 1830s called "the old race of judges." He is of the race that cares about constitutional originalism—about constitutional text, tradition, logic, and structure, instead of an ever-evolving model of a "living" Constitution that grows and flourishes so as to sanction, or indeed require, the latest innovations demanded by the elite avatars of cultural radicalism.

Aside from being a vital prod to informed reflection on the politics of judicial nominations and constitutional originalism, *A Time to Speak* also proves to be essential reading for anyone interested in the full range of Bork's thought. In-

cluded within its covers are some of his constitutional briefs and oral arguments, his opinions as a federal appellate judge, his articles and essays on everything from antitrust law to natural law, and a few memorials and witty remonstrances.

BORK HOLDS UP INCONVENIENT TRUTHS to those who would embrace the version of judicial progressivism that claims enlightened interpretation of a living constitution is more democratic than strict construction. Do the people really want to do all the wild, wonderful things that so many judges claim they want to do—such as restricting capital punishment (a punishment that is several times explicitly mentioned in the Constitution's text)? If they do, asks Bork, then why don't they just get on with it, and leave the judges like the Maytag repairmen of old, with nothing to do?

As he notes in dealing with the use of foreign law in U.S. decisions, some of our jurists' decidedly un-American attitudes stem from the fact they have simply determined we are not as advanced as our European or Canadian friends, whose progressivism offers a guide to where we are headed. There is a symmetry between this argument and the one he made in an earlier book, *Coercing Virtue: The Worldwide Rule of Judges* (2003), that the example set by U.S. courts

helped transmit the virus of judicial activism abroad. Alas, in an endless cycle of ever-expanding demands on our Constitution, American courts now catch radicalized and transmogrified strains of the very virus they spread.

Judge Bork deserves credit for reinvigorating in legal circles an idea that had once been taken for granted: constitutional interpretation must have recourse to one or another form of originalism in order to be legitimate. If it does not, we live under a rule of men rather than law.

BUT MANY CONSERVATIVES RIGHTLY HAVE bones to pick with what they take to be his unrelenting legal positivism. In making the case for originalism in an influential 1971 law review article, he went so far as to say: "There is no principled way to decide that one man's gratifications are more deserving of respect than another's or that one form of gratification is more worthy than another." Yet any serious, or even not so serious, student of philosophy knows there are many principled ways to do just that. The fact that there is disagreement over the right way is no proof that there isn't a right way. As Bork's intellectual foils—including Harry V. Jaffa and Hadley Arkes—have pointed out, if conservative jurisprudence attaches itself to such legal positivism, it will have nothing to say on many matters of moral consequence.

The Constitution assumes—and the founders explicitly elaborated—the idea of a morally ordered universe. The Constitution guarantees a republican form of government because its authors understood the republican form to be in accordance with the pre-political laws of nature and nature's God. We therefore enjoy the right of consent not simply because the Constitution positively guarantees it. Rather, the Constitution positively guarantees it because it is a natural right. So to be a positivist is not really to be a proper originalist; at most, it is to be a stunted originalist, incapable of bringing careful moral reasoning to bear on cases where the Constitution is ambiguous or silent.

The Constitution does not explicitly guarantee the right of a man and a woman to enter into a marriage. Does this mean that Congress or a progressive-leaning state could ban the practice, perhaps as a way of guaranteeing equal dignity and respect to those who are not married or cannot be married? As the Constitution assumes a morally ordered universe of consenting human beings, so it assumes that this very same moral order precludes our consenting to that which is inappropriate to our nature as human beings. The simple fact is that any jurisprudence or political theory—if it is to avoid not simply the imposition of "the judge's own values," as Bork fears, but of morally reprehensible values—must ultimately bottom itself on a theory of human

nature. Hence the natural rights theorists are quite a bit more respectable than Bork allows.

Bork maintains that "[c]ourts must accept any value choice the legislature makes unless it clearly runs contrary to a choice made in the framing of the Constitution." But this raises the question not only of exactly which choices our founders made, but why they made them, and why they thought they could not "choose" to do otherwise. As Harry Jaffa notes in a reprinted exchange with Bork, "It is just as illegitimate for a conservative to deny rights that are recognized by the Constitution as it is for liberals to invent rights not recognized by it."

Bork seems to think that a "natural law judge" would necessarily make "new constitutional principles." But there is a difference between a "new" constitutional principle and a principle embedded in our constitutional order and evidenced by the very nature of that order. Our founders knew it was best not to try to spell out each and every such principle textually, given the infinite variety of circumstances with which a prudent interpreter of the Constitution—judge or statesman—might be faced.

Now it is quite true that advocates of a natural law or natural rights jurisprudence still have much heavy lifting to do before they can offer concrete guidance on the many actual constitutional disputes that come before courts. As Bork notes, it is not sufficient that such advocates confine themselves to clarifying the moral and constitutional absurdity of Justice Taney's majority opinion in *Dred Scott v. Sandford* (1857)—though even this has some value against contemporary liberals who insist on embracing Taney's reasoning that the Constitution as originally drafted did, in principle, protect slavery.

A proper natural law or natural rights jurisprudence would hardly be a license for judicial supremacy, as Bork fears—assuming the other branches are doing their jobs. A vigorous exercise of constitutional powers to contain judicial hubris—including executive refusal to enforce unconstitutional judgments, and Congress's power to limit appellate jurisdiction and impeach judges—would go a long way to damping such fears. These and other powers would be the enforcement arms of a sober departmentalism, in which each branch takes seriously its role as an expositor of constitutional meaning. As Abraham Lincoln noted in his speech on *Dred Scott*, the general policy of the country should not be controlled by a Supreme Court decision that is contrary to "legal public expectation" and the established practices of the departments, and in addition evinces false historical claims and deep disagreement among the justices themselves.

But conservatives should not allow their important disagreements with Bork to overshadow the immense debt of gratitude we owe him for

giving us a high-profile model of a judge whose distinctive judicial virtue is not his empathy, but his intellectual seriousness in interpreting the Constitution as a document that sets the metes and bounds of our public life together—rather than as an empty vessel into which any judge may pour his postmodern concoctions.

EVEN AS BORK GOES ASTRAY, HE REMINDS US what we have in common. In the book's last entry, we see his flawed application of the "original understanding" principle to the martini. He rightly condemns those "activist bartenders" who imposed on us the chocolate or raspberry "martini" in lieu of the actual beverage as it was originally understood by its founders. He then goes on, however, to condemn the olive, declaring that the strict constructionist response to such a thing is to say, "When I want a salad, I'll ask for it." That is rather like saying, when asked if one wants water with his scotch, "I'm thirsty, not dirty." But while the interpretive principle on which the latter remark rests clearly holds in any originalist or common-sense understanding, no fair-minded martini drinker would banish the olive. Still, though conservatives may argue, they can also agree, with Cornell professor emeritus Werner Dannhauser, that even the worst martini is better than no martini at all.

And so we should take this opportunity to reflect on how much better a place the Supreme Court would be if Robert Bork were sitting on it today, with more than two decades' worth of his constitutional wisdom on record. Anthony Kennedy, the man who eventually acceded to the Court in the wake of Bork's doomed nomination, has voted to reaffirm *Roe v. Wade*, create a constitutional right to homosexual sodomy, declare the death penalty to be unconstitutional for any crime other than murder, and establish a generalized right of *habeas corpus* for enemy alien combatants who have never set foot on U.S. soil. It is hard to imagine Bork voting for any of this nonsense, much less acquiescing in the absurdly tortured constitutional reasoning that is the hallmark of Justice Kennedy's opinions.

We therefore can only pray that Robert Bork does not, like Story, "stand...with a pained heart, and a subdued confidence," as he reflects that he is among the last of the old race of judges. And we pray that heaven forfend the day when the chocolate martini is not merely sanctioned, but required under a thoroughly strained reading of the equal protection clause.

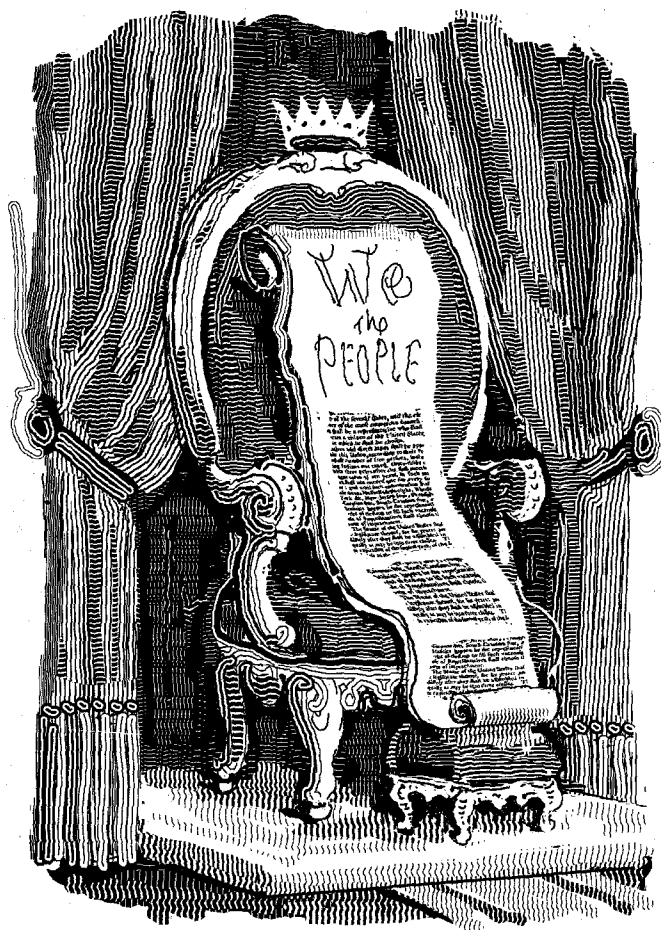
Bradley C.S. Watson is Philip M. McKenna Professor of American and Western Political Thought at Saint Vincent College. His latest book is *Living Constitution, Dying Faith: Progressivism and the New Science of Jurisprudence* (ISI Books).

Book Review by Michael P. Zuckert

MADISON'S AVENUES

The Madisonian Constitution, by George Thomas.
Johns Hopkins University Press, 264 pages, \$50

James Madison and the Spirit of Republican Self-Government, by Colleen A. Sheehan.
Cambridge University Press, 224 pages, \$80 (cloth), \$22.99 (paper)



A PART FROM THEIR HIGH QUALITY AND their invocation of James Madison, George Thomas's *The Madisonian Constitution* and Colleen Sheehan's *James Madison and the Spirit of Republican Government* would seem to have little in common. Thomas's book belongs to the genre of constitutional theory. He is attempting to persuade us to think about the Constitution differently from the way most of our constitutional mavens (courts and commentators) do, a way he calls "Madisonian." Madison himself, however, receives little attention, for after a quick sketch of the "Madisonian Constitution" Thomas sets out on a survey of constitutional history and theory that traces the Madisonian Constitution's fate—showing us when it was alive, when departed from, and calling us back to it as a model superior to the versions of constitutionalism currently on offer. He spends more time speaking, say, of the New Deal Supreme Court than he does of Madison.

The clear focus of Sheehan's book, by contrast, is on Madison. She tries to present a new

interpretation of Madison's political philosophy, emphasizing his post-*Federalist* political thinking. Whereas Thomas writes into and against the literature of constitutional theory, Sheehan writes into and against the literature on American political thought and the founding. Both books have a distinctly polemical tone in that they aim to overcome standard views widely accepted in the literature. Both have a distinctly practical aim as well. Both present themselves as efforts at retrieval—to recoup a lost tradition of Madisonian constitutionalism in the one case, of Madisonian republicanism in the other.

THOMAS SETS HIMSELF AGAINST TWO CAMPS of constitutional scholars in particular—the judicial supremacists and the popular constitutionalists. The judicial supremacists take the Supreme Court to be the highest, final, and definitive interpreter of the Constitution. They insist all branches and levels of government are bound to accept and act on the Court's interpretation—the constitutional view that found clas-

sic expression in *Cooper v. Aaron* (1958). Thomas rejects this position on both originalist and theoretical grounds: it is not the theory embedded in the original Constitution, and it is also not morally or politically defensible.

His other target is the new breed of popular constitutionalists, often the same individuals who, not many years ago when the Court was securely in the hands of liberal justices, were judicial supremacists. After the Reagan Revolution began to have some impact on the composition and direction of the Supreme Court, the popular constitutionalists emerged, interested, as one of them put it, in "taking the Constitution away from the courts." They sought to entrench the liberal constitutional changes wrought by the New Deal, and by the Warren and Burger Courts—including the effective repeal of the Tenth Amendment, the permanent expansion of the commerce power, the growth of old individual rights' protections, and the discovery of new rights. This much judicial activism and no more, they decreed; a conservative Court would

not be permitted to undo the constitutional reformations of the earlier liberal courts. These reformations were legitimate, they argue now, not because of judges' final say over the Constitution, but because their changes had garnered "popular ratification," albeit informally and outside the amendment process.

The two positions Thomas rejects have a certain claim to legitimacy within the Madisonian constitutional order, which rests on the dual foundation of natural rights and popular sovereignty. The judicial supremacists take their bearings by rights. They set themselves up as the definers and guardians of rights, and hence claim the power definitively to set the terms of constitutional discourse. The popular constitutionalists, on the other hand, take popular sovereignty, i.e., democracy, as the fundamental purpose of the Constitution. Although each has a kind of legitimacy, each goes astray in neglecting that the constitutional commitment is to *both* rights and democracy.

THE MADISONIAN CONSTITUTION, HOWEVER, embodies the two core commitments through its system of separated powers. The checking and balancing aspect of separation of powers—what one would learn most about from textbooks—is not, however, its main point. When we overemphasize checking and balancing, argues Thomas, we mistakenly elevate the Court as a branch whose purpose is to provide the authoritative reading of the Constitution for the other branches. From this assumption, we arrive at judicial supremacy, the idea that the judiciary's reading of the Constitution is final. The result is "legal constitutionalism," i.e., the notion that the Constitution above all is a legal document, binding the government as law, and in the custody of the courts as the interpreters of law.

Instead, Thomas's Madisonian Constitution is a political entity. It establishes and structures institutions "that look back to the text as part of bringing the Constitution to life." All parts of the constitutional order then have a right and indeed a duty to "expound the constitution," yielding multiple and conflicting views of the Constitution as an inherent...part of the constitutional order." So, as opposed to what the judicial supremacists say, the Constitution is not the unique property of the courts. As opposed to what the popular constitutionalists say, the Constitution does have some fixed and true meaning, even if that meaning is contestable. Indeed, having a "real meaning" is a precondition for meaningful contestation. Like the conventional view, Thomas insists that the separation of powers is "rooted in divided powers," but this is not merely "a machine that would go of itself" (says Thomas, quoting poet James Russell

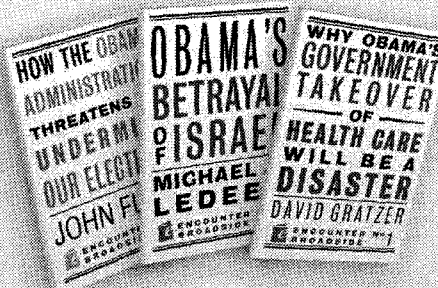
AMMUNITION FOR SERIOUS DEBATE

NEW FROM ENCOUNTER BOOKS:

ENCOUNTER BROADSIDES

POCKET-SIZED LITERARY CANNONADES ON TODAY'S MOST IMPORTANT ISSUES. READ THEM IN A SITTING. COME AWAY KNOWING THE BEST WE CAN HOPE FOR AND THE WORST WE MUST FEAR.

**AVAILABLE
EVERYWHERE
BOOKS ARE SOLD.**



Just \$5.99

OR DOWNLOAD THEM INSTANTLY TO YOUR COMPUTER, KINDLE, OR SONY READER.

THE BEST DEFENSE IS A GOOD BROADSIDE

**ENCOUNTER
BROADSIDE**
Promoting intelligent debate

www.encounterbooks.com

Lowell): it "calls on us to continually engage in the process of constitutional self-government," a process involving constitutional interpretation.

Thomas concedes that his view leads to the constitutional position known as "departmentalism," a position defended at different times in our history by Thomas Jefferson, Andrew Jackson, and Abraham Lincoln, among others. Yet he also insists that Madisonian constitutionalism "runs deeper" than mere departmentalism. To understand and act in the Madisonian Constitution "entails a responsibility on the part of the president and Congress to justify their actions in constitutional terms (and not merely take refuge in the Court)." Madisonian constitutionalism is the prerequisite to remaining committed constitutionalists at all.

The bulk of Thomas's book is devoted to exploring a number of constitutional "moments," which, he argues, illustrate Madisonian constitutionalism in action—more so than the scholars have recognized. But he also traces out the more radical efforts to jettison the Madisonian Constitution, efforts that leave us with a Constitution bereft of all substantive values except democracy, and denuded of all inherent shape and meaning.

THE GREAT DISTANCE BETWEEN THOMAS'S and Sheehan's books comes to light most easily when we note the centrality of separation of powers to Thomas's Madison and the lengths to which Sheehan goes to deny that separation of powers, checks and balances, or institutional mechanics are central to Madison's thought. Thomas claims, for example, that "Madison draws heavily on Montesquieu in crafting an institutional structure," whereas Sheehan emphasizes not Madison's dependence on but rather his break with Montesquieu. She believes Montesquieu's true American heir was John Adams, whom she identifies as the chief target of many of Madison's polemics in the 1790s.

Instead of institutions, checks and balances, or separation of powers, Sheehan emphasizes "the spirit of republican self-government." That is to say, Madison may look to institutions as "auxiliary precautions," but his main concern is the character of the people as proper republican citizens. If the modern political thinkers are understood as being devoted to institutions and the ancients to civic education and virtue, then she clearly aims to locate Madison among the ancients. Indeed her book's basic thought is

best captured in the title of her projected sequel: *Madison's Voyage to the World of the Classics*. Her book is an entrant in a scholarly contest over the character of the American Founding—was it essentially ancient or modern in inspiration and character? One of the main battles in this controversy is whether the founding was really liberal (modern) or republican (classical). She notes that the debate has moved beyond that simple either/or and now focuses on one or another of the "multiple traditions" or "amalgam" approaches to the founding, which stress the role of several different influences. Although she criticizes other wayward interpretations—Madison as an anti-democrat, or as a mechanical, amoral institutionalist—her chief target now appears to be the multiple traditionalists, who, she believes, put too much emphasis on the modern, liberal part of the amalgam.

These two books look
back to our greatest
founder for guidance in
restoring the political to
our politics.

Unlike most scholars, who treat Madison as if he stopped thinking after 1789, Sheehan attends to his political thought in the early years of the republic. She pays particular attention to the "party press essays" he published in the early 1790s as part of his growing opposition to the Federalists. Unlike many historians she does not believe that these essays mark a major shift in his thinking or a resignation of his reasoning power to his friend Jefferson. Instead she sees them as largely consistent with his earlier writings, and indeed she reads backwards from them to help us see what Madison was really getting at in the 1780s.

Moreover, she delves deeply into the sources of Madison's reflections and argues persuasively that French Enlightenment thinkers made up a much larger part of his intellectual diet than we have been led to think by scholars who emphasized Hume and Montesquieu. In turn, she uses some of the French writers to build a bridge

back to the classics, to whom at the end of the day she believes Madison was closest.

DESPITE ITS MANY VIRTUES, HER BOOK IS odd in that it leads up to but does not arrive at an analysis of a text that most editors and readers of Madison have treated merely as his notes for the party press essays. She maintains, however, that these notes made up the outline and beginning sketch of a treatise on politics Madison was preparing to write. That treatise would have made the full case for her chief claims about the role of "republican spirit," public opinion, and the ancient vision of politics that she attributes to Madison. But the analysis of these notes is to follow in her sequel. Without that analysis, her account in this book is not yet substantiated. For example, she fails even to mention the definition of republicanism that Madison presents in *Federalist* 39, a definition that is, to say the least, in tension with her construction of Madison as an active civic republican. Although *James Madison and the Spirit of Republican Self-Government* fails to make the case she wants to make, it does give us a handsome and worthwhile down payment on the more sustained analysis she promises.

Different as the two books are, it must also be said that deep down they share something important. As I have said, they are both efforts to recover the founding, and even though what they wish to recover is not identical, both look to Madison for renewal. Thomas's Madison points the way to salvation from forms of constitutionalism that either place inordinate power in a small body of elite judges and lawyers, or give up on constitutional government altogether. Either way, we lose sight of the true politics of the Constitution. Sheehan's Madison promises salvation from a republican theory and practice that drain away the meaning of citizenship and civic virtue—i.e., that miss republican life's political character. We have then two books that look back to our greatest founder for guidance in restoring the political to our politics.

Michael P. Zuckert is Nancy Reeves Dreux Professor of Political Science at Notre Dame University and author (with Catherine H. Zuckert) of *The Truth about Leo Strauss: Political Philosophy and American Democracy* (University of Chicago Press).

Book Review by Ryan P. Williams

STILL GREAT

The Founding Fathers Reconsidered, by R.B. Bernstein.
Oxford University Press, 238 pages, \$17.95

IN HIS NEW BOOK, R.B. BERNSTEIN, THE AUTHOR OR editor of more than a dozen books on American constitutional history, offers a “distilled introduction” to the founding, drawing on the best historical literature and a smattering of political theory from the last half-century.

Easily digested in a few sittings, *The Founding Fathers Reconsidered* is sprinkled with wonderful tidbits for both the seasoned scholar and the general reader. For example, Bernstein encourages readers to reflect on the power of firsts when he argues that Thomas Jefferson was “the first man voluntarily to assume the role of an ex-president and to work to shape that role in American public life.” George Washington had achieved near-demigod status even before he assumed the presidency (in a sense, he always stood apart from, and above, his peers), and John Adams retreated into private life after his embittering defeat in 1800. But Jefferson didn’t let a small thing like retirement derail his interest in

politics and enlightenment; he was a prolific letter-writer, encouraging and pursuing political and intellectual projects at every turn, including his crowning achievement, the founding of the University of Virginia. The conduct of future “discontented ghosts,” as Hamilton in *The Federalist* called ex-presidents, might have been much different without Jefferson’s public-spirited example.

ONE VIRTUE OF THE BOOK IS ITS BALANCE. Bernstein navigates contentious issues with consummate sobriety, neither giving in to caricature nor indulging fashionable academic opinion. Despite that, the reader craves occasionally some informed choosing of sides. This is especially true in the section on original intent, where Bernstein could have offered his considered judgment, as a law professor and historian, on the rich ongoing debate between originalists and living constitutionalists. Instead, he merely summarizes

the disagreement, and inadequately at that, given his gross simplification of the originalist side. He distinguishes “original intent,” “original understanding,” and “original meaning” at the beginning of his discussion, but soon after collapses them all into “original intent,” as if the vigorous debate—especially within the originalist camp—of the last two decades has done nothing to clarify, enrich, or build upon Edwin Meese’s original call in 1985 for a “jurisprudence of original intent.”

These criticisms aside, this is a sparkling book. The endnotes alone—the product of decades of serious study and thoughtful reflection—are worth the volume’s price. Scholars and thoughtful lay readers alike will find *The Founding Fathers Reconsidered* a rich and rewarding work.

Ryan P. Williams is an editorial assistant to the *Claremont Review of Books* and Director of Special Projects for the Claremont Institute.

Book Review by John Lukacs

HISTORY AND MYTHOLOGY

Dangerous Games: The Uses and Abuses of History, by Margaret MacMillan.
Modern Library, 208 pages, \$22

MARGARET MACMILLAN IS A RENOWNED professor of history at Oxford University, and everything she writes is worth reading. Some more than others: her *Paris 1919* (2003) is a shining descriptive account of the 1919–1920 peace conferences after World War I. Someone who knows, understands, and writes about history will—perhaps predictably—give some thought to the conditions of historical knowledge and to its consequences. That is what MacMillan does in *Dangerous Games*.

Her first chapter, entitled “The History Craze,” is the most important one; it is all there in her first sentence: “History, and not necessarily the sort that professional historians are doing, is widely popular these days, even in North America, where we have tended to look toward the future rather than the past.” She suggests that the popular demand for history “can be partly explained by market forces.” Yes and no. The appetite for history is one thing; its nutrition another. They are connected, perhaps even inseparable, but they are not identical. The craze for history exists, and will continue I suspect, and I wish

that MacMillan had extended her reflections on it beyond this nine-page, introductory chapter.

Her succeeding chapters, alas, are not so good. Most of them are directed to misuses of history—by politicians and others—in recent times. But there is nothing very new in that. I wish she had written more about how professional historians have used or abused their acquired knowledge of the past; about the dependence of “facts” on the words with which they are expressed and indeed perceived; about the ultimate inseparability—and this goes beyond historianship—of the knower and the known.

HERE IS AN EXAMPLE—VERY, VERY CLOSE to me. It is about the crucial days in May 1940. Churchill, she writes “as David Reynolds has so convincingly shown” (not at all convincingly: trust me) “glossed over many awkward issues. Churchill said little, for example, of the debates within the British cabinet in those dark days of May 1940. France had fallen to the Nazis....” (France had fallen in June, not May, but that is not the point.) “In fact, as the record shows, the cabinet properly considered

alternatives, most notably to see if Benito Mussolini, the Italian dictator, could broker a peace.” No: it was not the cabinet, not even the five-member war cabinet; it was Lord Halifax, the Foreign Secretary, who was not even wholly supported by his former ally Chamberlain. So her “example” about the history of those days is not “in fact,” nor “shown” thus “by the record.” I wrote an entire book about those five days: a descriptive account with which I believe that Margaret MacMillan would not disagree.

The more valuable parts of the book give telling examples of how entire peoples tend to construct legends about their past, often exaggerated and sometimes largely false, which cannot be separated from their ideas about their identity in the present. She quotes the bromide of L.P. Hartley: “The past is a foreign country; they do things differently there.” That is not even a half-truth, because the past is big and present and forms our entire mind: as Kierkegaard said, the past is the only thing we know.

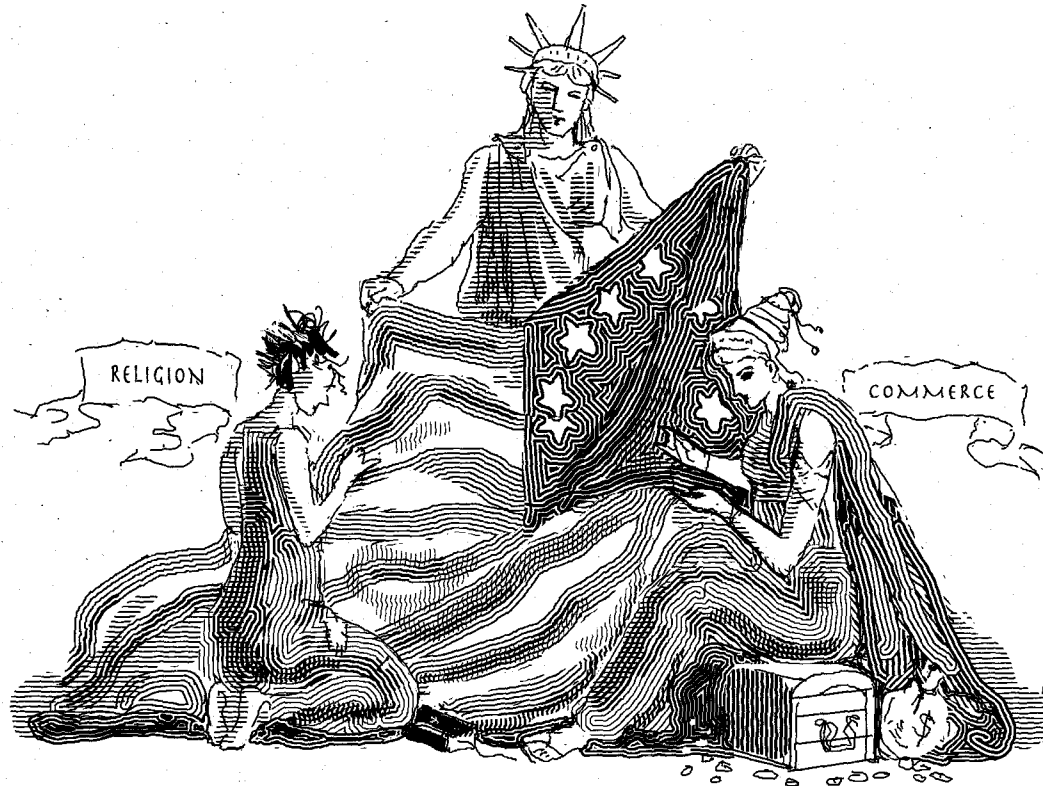
John Lukacs is emeritus professor of history at Chestnut Hill College and author of *Last Rites* (Yale University Press).

Book Review by Angelo M. Codevilla

TRANSCENDENTAL HUSTLERS

Freedom Just Around the Corner: A New American History, 1585–1828, by Walter McDougall.
HarperCollins, 656 pages, \$17.95 (paper)

Throes of Democracy: The American Civil War Era, 1829–1877, by Walter McDougall.
HarperCollins, 816 pages, \$34.95 (cloth), \$19.99 (paper)



WALTER MCDUGALL'S *FREEDOM JUST Around the Corner* and *Throes Of Democracy*, the first two volumes in a planned trilogy, tell America's story up to the end of Reconstruction, when the United States took the physical, moral, and political forms that we know today. These two books present the roots of the American tree, and although they foreshadow events and problems to be dealt with in a third volume, they are no mere setup for what the author may say about our own time.

A professor of history and international relations at the University of Pennsylvania and the Pulitzer Prize-winning author of *The Heavens and the Earth: A Political History of the Space Age* (1985), McDougall grasps at the ever-shifting, ever-recognizable character of the ever-diverse American people, while telling something like "the whole story" about us. He presents social, economic, intellectual, political, and military history all woven together. If the references to economics throughout these volumes were gathered in one place, they would amount to a good eco-

nomie history of the U.S., and the same goes for the other aspects of American life covered here.

Yet, intellectual-moral factors drive the tale. Running through the mass of facts are two key impulses present in the people who first crossed the Atlantic, that most foreigners still find peculiar to Americans, and that, McDougall argues, propelled the United States to greatness: we are religious, and we are "hustlers." In the 21st century as in the 17th, we want to be transcendently good even as we hustle to do well for ourselves. Hence we invent ways of feeling good about hustling. Some of our countrymen have secularized religion and others have endowed politics with pseudo-sacredness. Accordingly, America has changed. The first two volumes show the many ways in which we reconciled piety with preening, and greed with solid achievement, preserving the yeasts of the starter dough. Presumably, the third volume will show how Americans in the 20th century dealt with their perennial temptations.

Rich with portraits of people, events, escapades, and ideas, these big books illustrate why

people left Europe for America, how they did so, and how they made their living when they got here. McDougall keeps the reader up-to-date on evolving industrial techniques, including the difference between English and American axes, and shows their consequences. And did you know that common workers on the Erie Canal were paid 80 cents per day, plus all the eggs, pork, potatoes, and bread they could eat, and a shot of whiskey every two hours? Along the way, McDougall explains why commodity prices dropped while stocks rose over the long run, and draws lively images of how this forced producers to innovate, filled spare homes with life's comforts, gilded the rich, and allowed the country to expand.

HIS COVERAGE OF AMERICAN POLITICS may be too lively. Not every one of the colorful characters in his tale is George Washington Plunkitt, the Tammany Hall politician who famously proclaimed himself a practitioner of "honest graft." But especially in the multi-page sidebars on each state's

admission to the Union there are accounts like this one of Missouri:

It began and ended in violence. The St. Louis junto's candidate for territorial delegate, John Scott, won a razor-thin victory in 1816 thanks to ballots he himself carried to Governor Clark in his saddlebags. The loser appealed, resulting in a second election scarred by riots and fraud.... Thomas Hart Benton killed the son of Judge John Lucas on Bloody Island. But the victorious Scott assured Congress that Missouri was tame and ready for statehood. (He also lobbied, on behalf of a New Madrid planter eager to get out of Arkansas, to affix to Missouri the curious "boot heel" in its southeastern corner.)

Even the many thoughtful portraits of statesmen like Thomas Jefferson are done with a gimlet eye. Though McDougall shows Jefferson to have been as good a president as he was a writer, the third president comes off a self-indulgent man who lacked courage and died in debt. Among the most sympathetic portraits is one of President Andrew Johnson, "the dry bones of... Old Hickory":

his nationalism was that of an old Jacksonian, as were his resentment of wealthy planters, belief in states' rights, opposition to big capital and government.... The Radical Republicans, hypnotized by their faith that a great civil war must work a great revolution, applauded.... It did not occur to them Johnson wanted to lead the nation thirty years *backward*, not forward to a Yankee millennium.

Nevertheless, I suspect that because the book's premise is that Americans are "hustlers" as well as because the political parts of these volumes look so much like a rogues' gallery, some readers will come away too convinced of a conclusion that the author intended only partially, namely, that Americans are no less corrupt than other peoples, but that they have managed to make their political-economic corruption "creative." McDougall knows too well that the American people's preoccupation with righteousness, which limits our corrupt concern for "who gets what, when, and how," is itself the source of the deadliest corruptions, namely hubris and nihilism. McDougall's political history focuses precisely on questions that transcend sins of the flesh and that tempt us to those of the spirit: If we are different from Europeans, then what kind of people shall we be? Shall we be and remain independent? For what purpose? How shall we deal with one another? Who is

equal and unequal to whom and why? Do we recognize any source of right that can tell us we're wrong? What limits are there to American power? Who are we among nations? Such political questions have only intellectual and cultural answers.

THESE VOLUMES TREAT INTELLECTUAL and cultural matters largely by letting historical figures speak for themselves, illustrating their minds' development with lengthy quotations. Hence readers will find a substantial account of Mormon theology and history that few would dispute. But the history of mainstream American culture turns on a transformation in Protestantism. *Freedom Just Around the Corner* shows us America's earliest theologians, Increase and Cotton Mather, decrying what they saw as the country's central problem: "Religion brought forth prosperity, and the daughter destroyed the mother." Jonathan Edwards preached every individual's responsibility before an angry God to refrain from following such a path.

McDougall describes how American Protestants, especially in New England, developed new ways of worship and secularized the focus of their devotion. In *Throes of Democracy*, he argues that "the overlapping careers of Emerson, Thoreau, Hawthorne, Melville, Longfellow, Lowell, and Poe...made an impression on American literature as deep as the one made by Yankees on demography, technology, religion, education, and reform." These authors' careers map the trail from Puritanism to Unitarianism to Transcendentalism and spiritually supercharged social reform.

For McDougall, capitalism and religion are at the heart of America's story. He describes the economic changes that made the British Isles capitalist and created a socially mobile population at ease with the notion of private property and contracts. At the same time, he shows how parts of this population came to believe that salvation could not be found in the Old World. Once arrived on new shores, the settlers prospered, grew by natural increase, and diversified through immigration. America's earliest New England settlements differed from one another economically and religiously; but these differences paled in comparison to those with the Middle Atlantic colonies, set up as the property of their founders, and the Southern ones chartered by the king. Nonetheless, every colony loosened, disregarded, and then broke its original constitutional and legal arrangements. Thus did they become Americans.

The characters that mixed in the great American pot included rich and poor alike from across northern Europe, Catholics as well as Protestants. But each colony had its own socio-political,

religious, and ethnic character because each contained very different kinds of people. Virginia, for example, was divided at first between English aristocrats who were Anglican, and poor Scots-Irish and Baptist "border men" who had as little to do as possible with gentry. (Andrew Jackson and John C. Calhoun came from the latter stock.) Germans were the first and most influential non-British immigrants, but there were vast social-political differences between the first and the late arrivals, between the Germans of Pennsylvania, Texas, and Wisconsin, and between German Catholics and Lutherans. McDougall details both religious differences among New Englanders and their shared tendency to organize democratically for the common good that they carried with them to other regions.

For all their diversity, immigrants came for prosperity. Benjamin Franklin called America "the land of labor," and ever since the 17th century, labor here paid off. Those who set strong backs to farm abundant land and clear endless trees could expect food and fire, perhaps even great riches. One consequence of prosperity, McDougall notes, is that the Americans who fought the Revolutionary War were typically two inches taller than their British and Hessian opponents. Their numbers were growing fast because with more food and a better climate, more infants per capita survived here than anywhere else.

THE LINK BETWEEN PRODUCTIVITY AND righteousness, between doing good and doing well, is not peculiar to America or even to Protestant Christianity. John Winthrop's "City on a Hill" speech to the Massachusetts Bay colonists paraphrased not only Jesus' Sermon on the Mount but also Moses' charge to the Israelites to obey God's commandments and honor Him before the gentiles, that He may make their labor fruitful. In a sense, American Protestants re-Judaized Christianity, renewing essential Christianity. Their injunction to pray and work was identical to the Benedictine motto "ora et labora." But as Increase and Cotton Mather asked, did Americans really worship God and his righteousness, or did they use God as a pretext for feeling good about satisfying their own ever more extravagant desires? The Mathers knew that indulging material passions is less dangerous than indulging spiritual ones—chiefly the passion to purify one's neighbors by force. McDougall sees in this choice the passionate spirit of American power, and America's essential spiritual problem. His first two volumes expertly trace this passion's intellectual and practical consequences as Americans grew stronger and more secular.

As *Freedom Just Around the Corner* makes clear, for the American settlers independence

became their birthright because outsiders could neither help nor hinder them in those things that mattered most to them. Although Americans were always interested in world events, their interest proceeded from a natural focus on the things that affected them. They were involved in the struggles between Britain and France, and within British politics insofar as they mattered in America, but they ignored decrees from across the ocean because they could do so with impunity. They considered themselves British insofar as the mother country helped against the Indians and the French, but regarded as unnatural Britain's post-1763 attempts to subordinate American interests to its own.

In explaining to themselves by what right they were asserting their interests against their king, Americans drew not only on abstract political principles but on the Protestant insistence on human equality and the common-law tradition of respect for ancient custom, which combinations, writes McDougall, "made self government, religious freedom, economic opportunity, and territorial growth inseparable." By detailing the debauchery of the British ruling class (in which Ben Franklin took part before the Revolution), he illustrates why so many Americans believed that separation was a moral imperative. Thomas Paine's pamphlet *Common Sense* was so influential precisely because it harnessed the Bible, interest, and resentment of presumptuous rulers to the cause of independence, even if Paine himself detested the Bible (but tacitly while in America).

DOUBLING IN NUMBER EVERY TWO DECADES or so, Americans increasingly possessed the technology to make use of abundant resources; and being spiritually confident, they were undaunted by Mexican claims to essentially empty lands in California. The settlement of Texas by Americans beginning in 1819, who then declared their independence in 1836 and joined the U.S. ten years later, showed that the U.S. government could not have stood in the way of westward expansion any more than could Britain or Mexico. The only practical question

was whether this expansion would be consistent with Americans' dedication to divine and Constitutional right. Here they failed terribly, resulting in the Civil War, which McDougall takes pains to describe as an unmitigated catastrophe.

His treatment of the war recalls Harry V. Jaffa's description of it as the most characteristic event in American history, the one in which the elements of the American character showed themselves most fully. McDougall ponders how Northerners and Southerners came to differ not so much on concrete items on the nation's agenda as they did about each other's character and intentions. Each came to see the other as ungodly, rapacious enemies of liberty. Each despised the other's tastes. Concrete differences may be arbitrated; cultural enmities cannot be. Radical Southerners sought to safeguard their way of life by expanding, perhaps by force, and radical Northerners wanted to reform the South, if necessary by force. Not for the first or last time, especially in the North, would religious passion coalesce around what Christ had warned against: reforming one's neighbor rather than one's self.

"Reconstruction," an Orwellian misnomer for what happened after the war, shows the disastrous consequences of Americans' first nationwide indulgence of this temptation. Drawing parallels between "nation building" in the American South and in Iraq, McDougall previews what will likely be his judgment on much of 20th-century U.S. foreign policy. Although no imaginable policies and no amount of effort by a conqueror can transform cultures and reconcile antagonisms rooted in race, religion, or injuries suffered or feared, grandiose ends pursued with inferior means are guaranteed to make matters worse. Reconstruction also showed that those who pushed hardest for it were less interested in improving the lot of Negroes than in lording it over defeated enemies, usually profiting themselves in the process. So it would be in subsequent nation-building ventures and in domestic politics.

Arguably the Civil War's worst effect was the rise, in Northern culture, of a corrupting sense

of triumphalism. Protestantism morphed into a Darwinist social gospel, accepting as its paramount spiritual leader Henry Ward Beecher (brother of Harriet Beecher Stowe). "Where he stood on theology was anyone's guess," notes McDougall, but his politics and public demeanor shielded him even when it turned out his sermons were ghost-written and he had taken other men's wives. He ended up in President Ulysses S. Grant's inner circle, and the media's infatuation with him was such that the public looked down on his detractors. To Beecher McDougall contrasts New England Catholic intellectual Orestes Brownson, who lived to see Cotton Mather's fears confirmed:

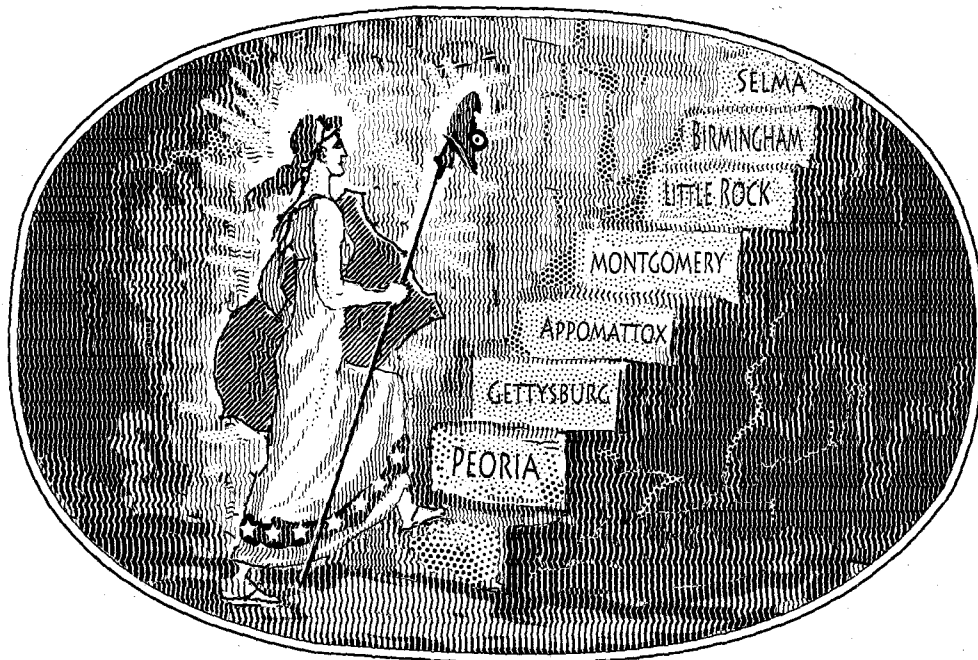
Americans bent on pursuing their happiness established a culture in which all individuals were effectively free to craft their own religion, as if they were gods... [and] to shove their disparate moral agendas down others' throats, again as if they were gods.... [T]he Civil War...magnified the threat posed by humanitarians, whose ambition would grow along with the nation's raw power. Brownson feared that future William Lloyd Garrisons [the radical abolitionist] in league with future Henry Ward Beechers would seduce or cajole the people to make war on property, privacy, marriage, and even foreign countries in the name of perfecting mankind according to their lights.

At the threshold of the American Era, *Throes of Democracy* ends with the warning that Americans will be tempted to make war on each and every one of the principles and practices that had served them so well, and to do so in the name of those very principles.

Angelo M. Codevilla is professor emeritus of international relations at Boston University, and the author of a new revised edition of *The Character of Nations: How Politics Makes and Breaks Prosperity, Family, and Civility* (Basic Books), among other books.

Essay by Harry V. Jaffa

LINCOLN IN PEORIA



A FRIENDLY CRITIC HAS RECENTLY CHARACTERIZED my life's work as dedicated to the moral vision of Athens, Jerusalem, and Peoria. Of course, as a faithful student of Leo Strauss, I recognized and welcomed the association with Athens and Jerusalem, but I had not hitherto thought of adding Peoria to the two Heavenly Cities. I have no doubt, however, that what Abraham Lincoln accomplished at Peoria, and because of Peoria, has been embellished by heavenly scribes on the gates of immortality. As we contemplate the 155th anniversary of the magnificent speech that catapulted an Illinois lawyer into national politics and helped change the course of a nation, we are indebted to Lewis Lehrman for focusing our attention on what the angels have always known.

An investment banker and former New York gubernatorial candidate (he lost narrowly to Mario Cuomo in 1982), Lew Lehrman has had a deep, abiding interest in American history and in Abraham Lincoln in particular. His far-sighted intellectual and philanthropic projects include the Gilder Lehrman Institute of American History (with Richard Gilder); the Gilder Lehrman Collection, a treasure trove of American historical documents now on deposit at the New-York Historical Society; and the Lincoln Institute he created to support scholarship on the 16th president. Now, Lehrman has given us in *Lincoln at Peoria* a full-length treatment of the 1854 speech that marked Lincoln's initial confrontation with the fateful question of slavery expansion.

A Giant Swindle

THE GETTYSBURG ADDRESS IS ALMOST UNIVERSALLY admired, but seldom, if ever, understood. As an example, we offer Garry Wills's *Lincoln at Gettysburg: The Words That Remade America* (1993). This is a book so bad that it ought never to have been published. Yet it received a Pulitzer Prize! This tells us more about the academic establishment behind the award, than it does about the book. Here is the heart of Wills's opinion of Lincoln's masterpiece:

He altered the [Constitution] from within, by appeal from the letter to its spirit, subtly changing the recalcitrant stuff of that legal compromise, bringing it to its own indictment. By implicitly doing this, he performed one of the most daring acts of open-air sleight-of-hand ever witnessed by the unsuspecting. Everyone in that vast throng of thousands was having his or her intellectual pocket picked.... Lincoln had revolutionized the Revolution, giving people a new past to live with that would change their future indefinitely.

Some people, looking from a distance, saw that a giant (if benign) swindle had been performed.... Heirs to this outrage still attack Lincoln for subverting the Constitution at Gettysburg—suicidally frank conservatives like M.E. Bradford or the late Willmoore Kendall.”

Wills calls the Gettysburg Address a “giant swindle.” This phrase came from Kendall who, being “suicidally frank” did not call it or believe it to be “benign.” Wills tacitly confesses that he inserted “benign” only to avert suicidal consequences. There was however nothing suicidal about Kendall's frankness. Kendall, like Bradford, was a resolute and unapologetic defender of the slavery of the antebellum South. He was a disciple of John C. Calhoun, who had denied any truth to the equality proposition in the Declaration of Independence, and had denied as well that the doctrine of human equality had played any role in the framing or ratification of the Constitution. Calhoun was the father of that state-rights conservatism which justified nullification, secession, and the indefinite extension of slavery. His heirs—Kendall and Bradford among them—have opposed every attempt by the Congress or the Supreme Court to implement the equal protection clause of the 14th amendment, the voting rights of the 15th amendment, or any other attempts (e.g. school desegregation) to bring about a color-blind Constitution. Calhoun is also the intellectual forbear of those “confederates in the attic” who believe as fervently that the South will rise again as that there will be a Second Coming of their Messiah.

The Gettysburg Address came a little less than a year after the Emancipation Proclamation. The new birth of freedom to which Lincoln asked us the living to be dedicated was,

the time, most uncertain. The president did not believe that the freedom promised by the Emancipation Proclamation could survive the war—and the end of his war powers—without a constitutional amendment. This was certainly the most urgent of the unfinished business in his mind. He did not live to see the three Civil War amendments, but there can be no doubt that they would all have met with his approval.

The amended Constitution that emerged from the war, with the abolition of slavery and the promised abolition of discrimination by race, was certainly different from the Constitution that was framed and ratified in 1787. It took nearly a hundred years for Congress to enforce the promises of the 14th and 15th amendments. But the Civil War amendments, with the legislation that completed them, were certainly implicit in the idea of the “more perfect Union” envisaged by the framers, because the meaning of that more perfect union was implicit in the doctrine of human equality in the Declaration of Independence. Nowhere is Lincoln clearer or more forceful in expounding this connection than in his Peoria speech, delivered a decade before Gettysburg.

Wills here cites Kendall on Lincoln’s alleged re-founding of the Constitution: “Abraham Lincoln and, in considerable degree, the authors of the post-civil-war amendments, attempted a new act of founding, involving concretely a startling new interpretation of that principle of the founders which declared that ‘all men are created equal.’” Kendall writes of “all men are created equal” as if it had never before Gettysburg referred to Negroes, or to their individual rights as human beings, and had never implied any idea of equality between the races. Kendall and Wills apparently assume the truth of Chief Justice Taney’s opinion in *Dred Scott v. Sanford* (1857), that under the Constitution of 1787, black men and women were believed to be “so far inferior that they had no rights which the white man was bound to respect.” Taney implied that the difference between whites and blacks was thought in 1787 to be as great as that between a horse and its rider. Kendall and Wills also accept Jefferson Davis’s emendation of Calhoun, according to which the equality in the Declaration referred only to collective rights of peoples, but not to the rights of individual human persons. That is to say, it meant that the people of America were equal to the people of Great Britain, but it had no reference to the equality of individual human persons to each other. Hence it did not mean that any human beings as human beings had any right to be governed only with their own consent. Hence it did not condemn slavery. That is the crucial point contended for by Davis, Kendall, and Wills. In their view the original founding, including the Declaration of Independence, did not condemn slavery.

According to Wills, the new founding, of which Lincoln was supposedly the great progenitor, was rooted in the invention of a meaning to the proposition that all men are created equal which it had never before possessed. He would have us believe that Lincoln’s literary skill had deceived the American people into believing that the words of the Declaration meant something that no one had ever before imagined them to mean. This is however a lie as big as any invented by Joseph Goebbels in the service of the Third Reich.

In a sequel to the foregoing, Wills writes of the Gettysburg Address that

Its deceptively simple-sounding phrases appeal to Americans in ways that Lincoln had perfected in his debates over the Constitution during the 1850’s. During that time Lincoln found the language, the imagery, the myths that are given their best

upon which Abraham Lincoln was elected in 1860, quoted verbatim the whole of the statement of principles in the Declaration of Independence—including the proposition that all men are created equal—and declared that these principles were embodied in the Constitution. The Constitution that Wills says was sprung on a gullible public at Gettysburg was openly and manifestly present in the 1860 election. No one was fooled by the Gettysburg Address, and it is only historical illiteracy and ideological perversity that could make possible the award of a Pulitzer to Garry Wills’s giant swindle.

Unraveling Compromise

THE SUBTITLE OF LEW LEHRMAN’S BOOK IS *The Turning Point*. The Peoria speech was a turning point in Lincoln’s life and career because it represented a turning point in the life of the nation. In retrospect, after two world wars, in which a United States that had abolished slavery played a decisive role, we can say that it represented a turning point in the history of Western civilization. Although he had always been personally antislavery, and had occasionally expressed his antislavery opinions in public, Lincoln had not been an antislavery politician. The Whig Party, to which he belonged for 25 years, had subsisted on an intersectional basis, in which the Northern and Southern wings tacitly agreed to keep slavery out of party politics. A similar truce had characterized the Democratic Party. It was agreed generally (except by abolitionists) that under the Constitution the states had exclusive jurisdiction over their domestic institutions. The abolition of slavery in the Northern states after 1787 had taken place exclusively through the action of the states themselves. No political question could arise in Congress or in presidential politics concerning slavery within a slave state. Lincoln once remarked that he had no more right to interfere with or responsibility for slavery in South Carolina than for serfdom in Russia.

The extension of slavery into territories, where the character of new states would be determined, was a different matter. The policy of the founding generation concerning slavery in the territories appeared to be set by the Northwest Ordinance, first enacted in 1787 under the Articles of Confederation, and reenacted by the first Congress under the U.S. Constitution. This celebrated measure, which to this day is called one of four “organic laws” in the United States Code, outlawed slavery in a region that in time became the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. This act, as Lincoln understood it, set the founders’ seal on the policy of keeping slavery out of territories as yet uncontaminated by it.

Missouri had come into the Union as a slave state in 1820, but all the remaining Louisiana

Books discussed in this essay:

Lincoln at Peoria: The Turning Point,
by Lewis E. Lehrman.
Stackpole, 400 pages, \$29.95

*Lincoln at Gettysburg:
The Words that Remade America*,
by Garry Wills.
Simon & Schuster, 320 pages, \$14

and briefest embodiment at Gettysburg.... Without Lincoln’s knowing it himself, all his prior literary, intellectual, and political labors had prepared him for the intellectual revolution contained in those fateful 272 words.

It is certainly true that all Lincoln’s prior labors had prepared him for Gettysburg. But in the Address there is no intellectual innovation of any kind. Lincoln’s political labors were manifested in great and powerful speeches and public letters that had reached nearly every literate American by 1863. The secession of the 11 Confederate states was motivated precisely by the conviction that Lincoln’s election was intended to mark the beginning of the end of slavery in America. The House Divided speech had explicitly called for the “ultimate extinction” of slavery, and was one of the great motivating forces for secession. Ending the extension of slavery was to be the first step in that direction. Wills’s absurdity is also manifested in the fact that the Republican Party, in the platform

Territory north of Missouri's southern boundary was to be "forever free," a prohibition of slavery known as the Missouri Compromise. It was unnecessary to decide the status of slavery in territories if there was no territory (or very little territory) whose character as to slavery was undecided.

The Mexican War changed everything. Texas, which had been independent of Mexico since 1836, was brought in as a slave state at the start of the war in 1845, with a provision that it might be subdivided into as many as five states. Two years later, the United States had acquired more than 60% of Mexico's land area as defined by international boundaries. It had enlarged the boundaries of the United States by more than 40%.

In 1849, California—which, like Texas, had been part of Mexico—applied for admission into the Union as a free state. That would break the balance between 15 free and 15 slave states. During the Mexican War, the House of Representatives had repeatedly passed the Wilmot Proviso (named for Pennsylvania congressman David Wilmot), which had declared that in any territory to be acquired from Mexico, slavery should be prohibited. As often as the House voted the Proviso up, the Senate voted it down. The future Republican Party was clearly outlined in the House vote on the Wilmot Proviso. The protection of the interests of slavery was dependent on the control of the Senate. Lincoln's interest in becoming a United States senator in the 1850s was certainly motivated in part by the fact that the Senate had become a central theater in the conflict over slavery.

Taking the Stage

LINCOLN AT PEORIA IS A SALUTARY, FORCEFUL reminder of the future president's powerful entry into the political struggle that led into the Civil War. The importance Lehrman finds in the Peoria speech cannot be exaggerated. It not only marked Lincoln's entry into the debate over slavery, it marked the first and fullest elaboration of the political, rhetorical, and philosophical strategy that he would pursue to the end of the decade and, indeed, to the end of his life.

During the 1850s Lincoln gave hundreds of speeches, some of them perfunctory, many of them extensive. There are, however, four speeches which possess the foundations of the whole: Peoria in 1854, the speech in 1857 on the *Dred Scott* decision, the House Divided speech in 1858, and finally the Cooper Union speech in early 1860. The Peoria speech is, however, the foundation of everything that came after it. Lehrman not only elaborates, carefully and precisely, its political and philosophical doctrines, but he traces their presence through the other speeches, as well as

into the presidency. It is a book on the whole of Lincoln, seen through the oration that launched him upon his path.

Lincoln did not ordinarily extemporize, except on ground that he had thoroughly prepared, and where he was fully confident. The Kansas-Nebraska bill, which rejected the old Missouri Compromise containment of slavery, became law in May 1854; the Peoria speech was the following October, although the bulk of it had been delivered two weeks before in Springfield. Lincoln had at least four months to prepare. During this interval the volcanic eruption that became the Republican Party had been dominating the political landscape. At Peoria he demonstrated his mastery of all the issues in the events that had transpired.

The Peoria speech surely ranks among the greatest of Lincoln's, and among the greatest in world history—with the best of Demosthenes, Cicero, or Edmund Burke. How can one explain a text which explains itself with such surpassing power and lucidity? Lehrman has wisely reprinted the complete text, as well as an extremely useful ten-page "Milestones in the Lives of Abraham Lincoln and Stephen A. Douglas." Douglas was the main sponsor of the Kansas-Nebraska Act, and Lehrman's "Milestones" is a reminder that the true Lincoln-Douglas debates encompassed all of Lincoln's speeches arising from the repeal of the Missouri Compromise. (Confrontations between Lincoln and Douglas go back to the 1830s. Lincoln's 1839 Subtreasury speech was a Whig Party reply to the Jacksonian Democrat Douglas.) Of these the joint debates were only a part. It is remarkable that Lincoln's justly deserved fame as a debater was earned in combat with this one opponent. Some credit for the heights of his achievement must be given to Douglas's forensic skill and an unrelenting energy and ambition as great as Lincoln's.

What That Purpose Is

WHEN ABRAHAM LINCOLN STOOD BEFORE the people of Peoria on October 16, 1854, he summed up his indictment of the repeal of the Missouri Compromise as follows:

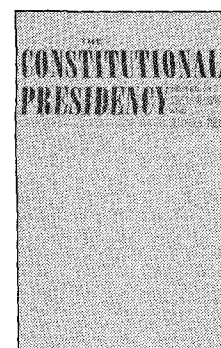
This declared indifference, but as I must think, covert *real* zeal for the spread of slavery, I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really

The Constitutional Presidency

edited by
Joseph M. Bessette
and Jeffrey K. Tulis

"Once again Bessette and Tulis combine their considerable talents to publish a thoughtful collection of essays that explore the reach of presidential power. They underscore that scholarly efforts to study political behavior must carefully consider constitutional sources and limits."
—Louis Fisher, author of *The Constitution and 9/11: Recurring Threats to America's Freedoms*

The Johns Hopkins Series in Constitutional Thought:
Sanford Levinson and Jeffrey K. Tulis, Series Editors
\$30.00 paperback

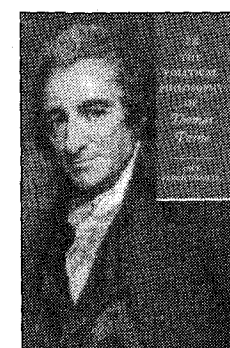


The Political Philosophy of Thomas Paine

Jack Fruchtman Jr.

This thorough study explores the sources and impact of one of the early republic's most influential minds. Fruchtman's systematic approach identifies the themes of signal importance to Thomas Paine's political thought, demonstrating especially how crucial religion and God were to the development and expression of his political ideals.

The Political Philosophy of the American Founders:
Garrett Ward Sheldon, Series Editor
\$45.00 hardcover

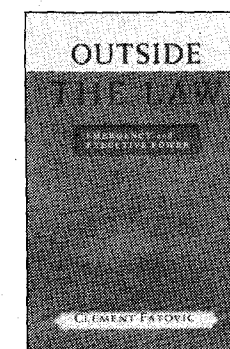


Outside the Law

Emergency and
Executive Power
Clement Fatovic

This engaging, carefully considered survey explains how liberalism's founders attempted to reconcile the principles of constitutional government with the fact that some circumstances would demand that an executive take normally proscribed actions. Scholars of liberalism, the American founding, and the American presidency will find Fatovic's reasoned arguments against the conventional wisdom enlightening.

The Johns Hopkins Series in Constitutional Thought:
Sanford Levinson and Jeffrey K. Tulis, Series Editors
\$55.00 hardcover



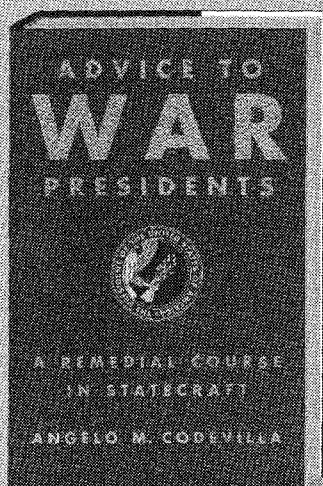
THE JOHNS HOPKINS UNIVERSITY PRESS
1-800-537-5487 • www.press.jhu.edu



"Machiavelli could not have written a better book to give advice to 'war presidents.'"

—*American Spectator*

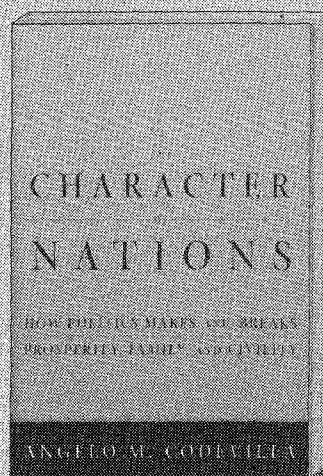
FROM THE DISTINGUISHED
SCHOLAR ANGELO M. CODEVILLA,
A CALL TO FUTURE PRESIDENTS TO
PRACTICE STATECRAFT RATHER
THAN WISFUL THINKING



Also by

ANGELO M. CODEVILLA,

back in print and now available in paperback



BASIC
BOOKS

A Member of the Perseus Books Group
www.basicbooks.com

good men amongst ourselves into an open war with the very fundamental principles of civil liberty—criticizing the Declaration of Independence, and insisting that there is no right principle of action but *self-interest*. [Italics are Lincoln's.]

And later:

But one great argument in the support of the repeal of the Missouri Compromise...is "the sacred right of self government." ...I trust I understand, and truly estimate the right of self-government. My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own lies at the foundation of the sense of justice there is in me. I extend the principles to communities of men as well as to individuals.... The doctrine of self government is right—absolutely and eternally right—but it has no just application as here attempted. Or perhaps I should rather say that whether it has such just application depends upon whether a negro is *not* or is a man. If he is *not* a man, why in that case, he who is a man, may as a matter of self-government do just as he pleases with him. But if the negro is a man, is it not to that extent, a total destruction of self-government, to say that he too shall not govern *himself*? When the white man governs himself that is self-government, but when he governs himself and also governs *another* man, that is more than self government—that is despotism. If the negro is a *man*, why then my ancient faith teaches me that "all men are created equal," and that there can be no moral right in connection with one man's making a slave of another.

Judge Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying, "The white people of Nebraska are good enough to govern themselves, *but they are not good enough to govern a few miserable negroes!*"

Well I doubt not that the people of Nebraska are, and will continue to be as good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other's consent*. I say this is the leading principle—the sheet anchor of America republicanism. Our Declaration of Independence says:

"We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are

life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED."

I have quoted so much at this time merely to show that according to our ancient faith, the just powers of government are derived from the consent of the governed. Now the relation of masters and slaves is, PRO TANTO, a total violation of this principle. The master not only governs the slave without his consent; but he governs him by a set of rules altogether different from those which he prescribes for himself. Allow ALL the governed an equal voice in the government and that, and that only, is self government. [Italics and capitals by Lincoln.]

And I have quoted so much, in part, because the brilliance of the Gettysburg Address often affects readers like a divine afflatus, filling them with an overwhelming sense of purpose, without quite knowing what that purpose is. I am reminded of Jimmy Stewart in *Mr. Smith Goes to Washington*, standing in the Lincoln Memorial and reading the Address inscribed on its wall. He is filled with an overwhelming determination to go out and fight government corruption. Of course, we all rightly cheer him on. Yet it might have been better if he had also read the Peoria speech and other writings of Lincoln, as well as some of the writings of the American Founders. Of course, this is not a recommendation for a Hollywood script, but neither is Hollywood's foreshortening of Lincoln a substitute for genuine understanding.

When Lincoln gave the Gettysburg Address he had the Peoria speech behind him, but also inside of him. The above portions of the speech are not only examples of how Lincoln went about proving his case against Douglas, they are supreme examples of the Socratic art in political literature. They deny any shred of credibility to the thesis that Lincoln at Gettysburg had given a different and unprecedented meaning to the doctrine of human equality. As Lew Lehrman so convincingly shows, there is nothing virtually present at Gettysburg that is not actually present at Peoria.

Initiating the Path

"ALLOW ALL THE GOVERNED AN EQUAL voice in the government and that, and that only, is self-government." From this principle it is clear not only that the slaves ought to be free, but that they must have an equal share in governing. For a government to be dedicated to the proposition that all men



are created equal, those who live under the law must share in making the law they live under, and those who make the law must live under the law that they make. This reciprocal relationship between making and obeying the law is here articulated by Lincoln with matchless clarity. It is implied in all of his invocations of the Declaration of Independence, although he sometimes seemed to take a different view.

Immediately after asserting that *all* the governed must have an equal voice in government, Lincoln denies that he is "contending for the establishment of political and social equality between the whites and blacks." Earlier in the Peoria speech, he had denied any intention to bring about such equality, saying that the feeling of "the great mass of white people" was against it. "Whether this feeling accords with justice and sound judgment, is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or ill-founded, can not be safely disregarded."

Later in the speech Lincoln says that

the great mass of mankind...consider slavery a great moral wrong; and their feelings against it, is not evanescent, but eternal. It lies at the very foundation of their sense of justice; and it cannot be trifled with. It is a great and durable element of popular action, and, I think, no statesman can safely disregard it.

We see that he says in one place that a statesman cannot safely disregard the feeling against equality and in another that he cannot safely disregard the feeling for it. We must realize that both assertions are founded in the proposition that the just powers of government are derived from the consent of the governed. The consent of the governed however means the opinion of the governed. But what if—as in this case—the opinion of the governed is itself self-contradictory?

As the Declaration notes, the consent of the governed does not authorize governmental powers that are not just powers. These powers cannot be just powers if governors and gov-

erned do not recognize their reciprocal humanity. Lincoln warned time and again that those who would deny the rights of others to life and liberty could not long retain their own. Clearly however the full recognition of the right of equal participation in government of *all* who are to be governed, is an aspiration, not to be achieved at any or every time and place. By the standards of 2009, and in the wake of the 1964 and 1965 civil rights acts—the citizens of Illinois in 1858 were rabid racists. There was virtually no "consent of the governed" possible to laws that would allow black people to enjoy anything that today would be called civil rights. It is part of Lehrman's achievement to make us aware of the extent of what Lincoln accomplished at Peoria, initiating the path that would lead ultimately to consent to rights to which no consent was then possible. Garry Wills to the contrary notwithstanding, it was at Peoria that Lincoln set the pathway leading to the Emancipation Proclamation, the Gettysburg Address, the Civil War Amendments, and beyond to the civil rights laws of today. Without Lincoln clearing this pathway, Martin Luther King, Jr., would not have been possible.

Seeds Planted

P ERHAPS LINCOLN'S MOST EFFECTIVE ARGUMENT in the moral climate of white Illinois in the 1850s was one that seemed to bypass all questions of the equality or inequality of whites and blacks. Whether a black woman was or was not his equal in any other respect, he said, in her right to put into her mouth the bread that her own hand had earned, she was his equal, the equal of Judge Douglas, and the equal of any man. Here Lincoln was appealing to the passion that above all others made the American Revolution: the passion that said that the fruit of one's own labors was indisputably one's own. One's property might be taxed, but rightfully only by a government instituted to protect that property. Lincoln knew that the black woman could defend her right to put into her mouth the bread her own hand had earned only if she was not

merely free, but possessed the vote which alone could give her the power to protect her right—a power which white women, too, did not then possess.

Lincoln knew at the time that only the seeds he planted could lead to results consistent with the principles of the Declaration of Independence. He knew that the last thing he should do would be to forecast those consequences. Throughout the whole of Lincoln's and Douglas's encounter in the 1850s, it was the strategy of each man to identify the other with those of his supporters most obnoxious to a notoriously racist public, while denying the charges of the other. Douglas identified Lincoln with abolitionism and racial equality, and Lincoln identified Douglas with the movement to allow blacks, whether free or slave, into territories and Free States where they had not been. Looking back from our long perspective, we can say that each in fact told the truth about the other, and each one lied about himself. Yet surely if ever there were a noble lie in the Platonic tradition, it is Lincoln's denial of any intention to bring about an equality of political rights between whites and blacks. His denial was an indispensable necessity in bringing about the very thing he denied.

The Peoria speech was what Socrates would call his "second sailing," Lincoln's re-entry into political life, to rescue the principles of the Declaration from the reproach of hypocrisy, to complete the work of the American Founders, and to make possible a new birth of freedom. Lincoln at Peoria laid the foundation for the greatest statesmanship the world has ever seen. We are greatly indebted to Lewis Lehrman's superb book for helping us to understand why no list, however short, of the greatest speeches of all time could omit Lincoln at Peoria.

Harry V. Jaffa is a Distinguished Fellow of the Claremont Institute and the author of Crisis of the House Divided: An Interpretation of the Lincoln-Douglas Debates (University of Chicago Press), and its sequel, A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War (Rowman and Littlefield).

PARTHIAN SHOT

by Mark Helprin



Obama Blinks Twice

IN RESPONSE TO THE TEST OF FOREIGN AFFAIRS THAT THEN SENATOR Biden foresaw during last year's presidential campaign, President Obama, brilliantly wielding the powers of his office, has managed to fail not just once but twice. In a single week in September, he buckled in the face of Russian pressure and he took a giant wooden nickel from Iran.

With both a collapsing economy and natural gas reserves sufficient to produce 270 years of electricity, the surplus of which it exports, Iran does not need nuclear electrical generation at a cost many times that of its gas-fired plants. It does, however, have every reason according to its own lights to seek nuclear weapons—to deter American intervention; to insure against a resurgent Iraq; to provide some offset to nearby nuclear powers Pakistan, Russia, and Israel; to move toward hegemony in the Persian Gulf and address the embarrassment of a more militarily capable Saudi Arabia; to rid the Islamic world of Western domination; to neutralize Israel's nuclear capacity while simultaneously creating the opportunity to destroy it with one shot; and, pertinent to the week's events, by nuclear intimidation to turn Europe entirely against American interests in the Middle East.

Some security analysts may comfort themselves with the illusion that soon-to-be nuclear Iran is a rational actor, but no country gripped so intensely by a cult of martyrdom and death that to clear minefields it marched its own children across them can be deemed rational. Even the United States, twice employing nuclear weapons in World War II, seriously contemplated doing so again in Korea and then in Vietnam.

The West may be too pusillanimous to extirpate Iran's nuclear potential directly, but are we so far gone as to foreswear a passive defense? The president would have you think not, but how is that? We will cease developing the ability to intercept, within five years, the Intercontinental Ballistic Missiles (ICBMs) that in five years Iran is likely to possess, in favor of a sea-based approach suitable only to Iranian missiles that cannot from Iranian soil threaten Rome, Paris, London, or Berlin. Although it may be possible to modify Block II Standard Missiles with Advanced Technology Kill Vehicles that could disable any Iranian missiles in their boost phase, this would require the Aegis destroyers carrying them to loiter in the confined and shallow waters of the Persian Gulf, where anti-missile operations would be subject to Iranian interference and attack.

Interceptors that would effectively cover Western Europe are too big for the vertical launch cells of the Aegis ships, or even their hulls. Thus, in light of the basing difficulties that frustrate a boost-phase kill, to protect Europe and the United States the president proposes to deploy land-based missiles in Europe at some future date. If he is willing to do this, why not go ahead with the current plans? The answer is that, even if he says so, he will not deploy land-based missiles in Europe in place of

the land-based missiles in Europe that he has cancelled because they are land-based in Europe.

What we have here is an inadvertent homage to Lewis Carroll: *We are going to cancel a defense that takes five years to mount, because the threat will not materialize for five years. And we will not deploy land-based interceptors in Europe, because our new plan is to deploy land-based interceptors in Europe.*

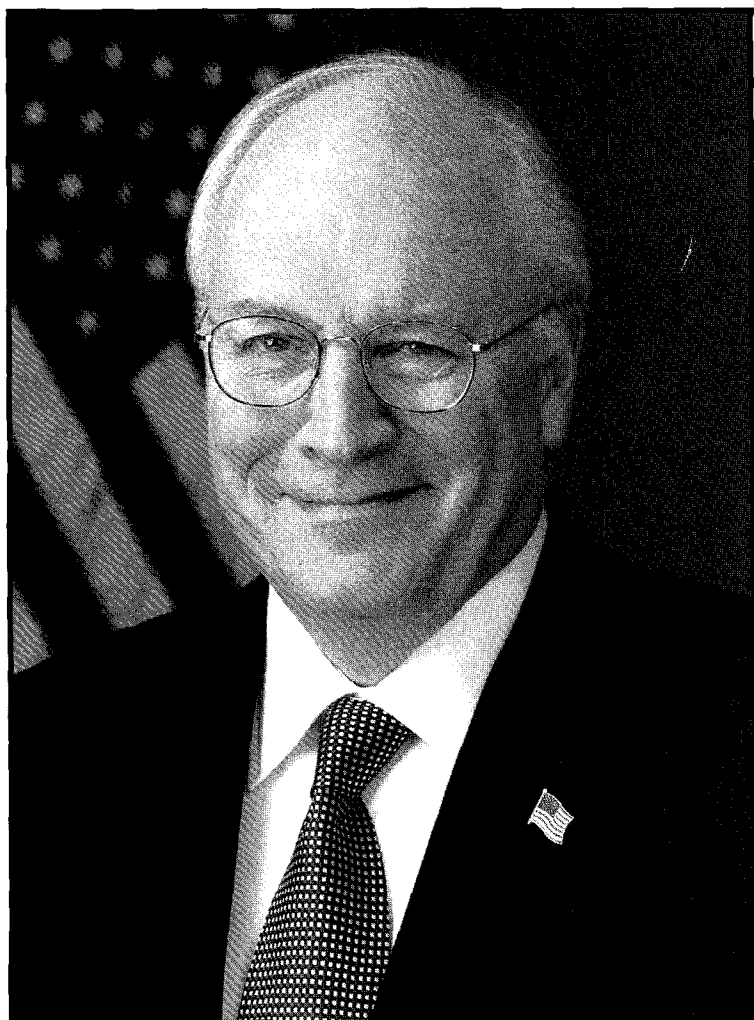
ADDED TO WHAT WOULD BE THE INSTABILITY AND POTENTIALLY grave injury following upon the appearance of Iranian nuclear ICBMs are two insults that may be more consequential than the issue from which they arise. Nothing short of force will turn Iran from the acquisition of nuclear weapons, its paramount aim during 25 years of secrecy and stalling for time. Last fall, President Ahmadinejad set three conditions for the U.S.: withdrawal from Iraq, a show of respect for Iran (read: "apology"), and taking the nuclear question off the table.

We are now faithfully complying, and in September, after Iran foreclosed discussion of its nuclear program and President Ahmadinejad's chief political advisor predicted "the defeat and collapse" of Western democracy, the U.S. agreed to enter talks the premise of which, incredibly, is to eliminate American nuclear weapons. Even the zombified press awoke for long enough to harry the State Department spokesman, who replied that, as Iran was willing to talk, "We are going to test that proposition, okay?"

Not okay. When Chamberlain returned from Munich at least he thought he had obtained something in return for his appeasement. The new American diplomacy is nothing more than a sentimental flood of unilateral concessions—not least, after some minor Putinesque sabre rattling, to Russia. Cancelling the missile deployment within NATO, which the Russian ambassador to that body characterizes as "the Americans...simply correcting their own mistake, and we are not duty bound to pay someone for putting their own mistakes right," is to grant Russia a veto over sovereign defensive measures—exactly the opposite of American resolve during the Euromissile Crisis of 1983, the last and definitive battle of the Cold War.

Stalin tested Truman with the Berlin Blockade, and Truman held fast. Khrushchev tested Kennedy, and in the Cuban Missile Crisis Kennedy refused to blink. In 1983, Andropov took the measure of Reagan, and, defying millions in the street (who are now the Obama base), Reagan did not blink. In September, the Iranian president and the Russian prime minister put Barack Obama to the test, and he blinked not once but twice. The price of such infirmity has always proven immensely high, even if, as is the custom these days, the bill has yet to come.

A version of this essay appeared in the Wall Street Journal.



Save the Date

THE CLAREMONT INSTITUTE'S 30TH ANNIVERSARY DINNER

featuring
VICE PRESIDENT DICK CHENEY

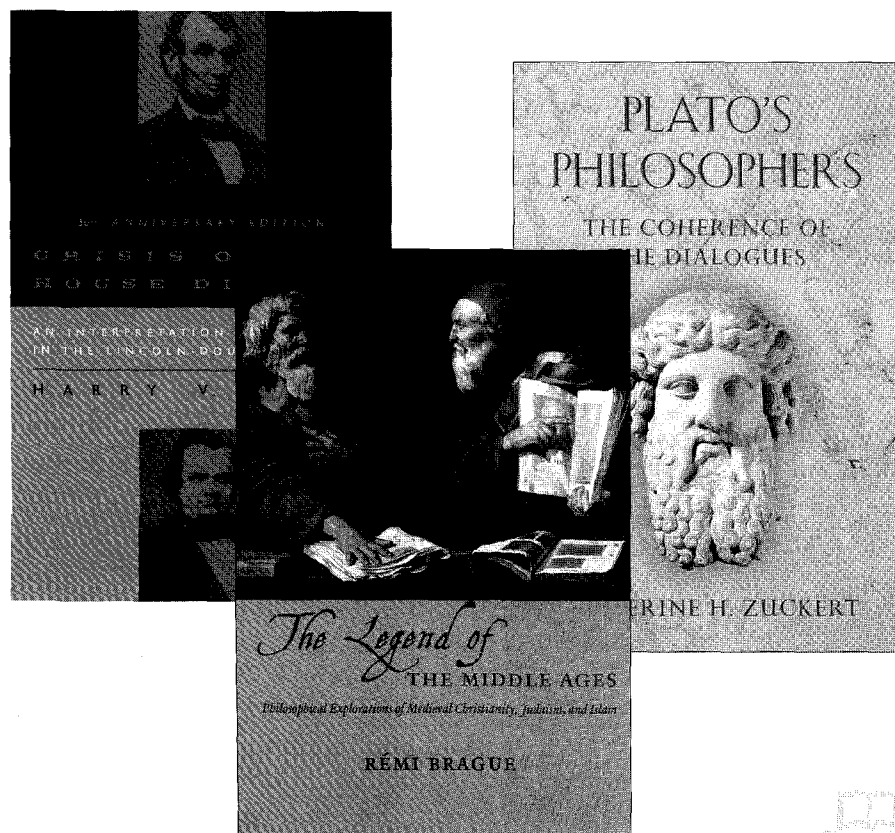
MARCH 27, 2010

Millennium Biltmore Hotel

Los Angeles, California

(909) 621-6825 • www.claremont.org

New from **Chicago**



THE LEGEND OF THE MIDDLE AGES

Philosophical Explorations of Medieval Christianity, Judaism, and Islam

Rémi Brague

Translated by Lydia G. Cochrane

"*The Legend of the Middle Ages* demonstrates Rémi Brague's special ability to discover profound philosophical implications in notions and questions in medieval texts that modern scholars would usually pass over."—Kent Emery, Jr., University of Notre Dame

Cloth \$35.00

PLATO'S PHILOSOPHERS

The Coherence of the Dialogues

Catherine H. Zuckert

"A scholar who ventures to interpret the entire corpus of Platonic dialogues by arranging them in the order of their dramatic dates had better be rigorous, thorough, and resourceful, and had better have pondered the dialogues long and deeply. Catherine Zuckert more than qualifies on all counts. . . . A brave and fascinating book."—G. R. F. Ferrari, University of California, Berkeley

Cloth \$45.00

50th Anniversary Edition

CRISIS OF THE HOUSE DIVIDED

An Interpretation of the Issues in the Lincoln-Douglas Debates

Harry V. Jaffa

With a new Introduction

"A searching and provocative analysis of the issues confronted and the ideas expounded in the great debates. . . . A book which displays such learning and insight that it cannot fail to excite the admiration even of scholars who disagree with its major arguments and conclusions."—D. E. Fehrenbacher, *American Historical Review*

Paper \$24.00

The University of Chicago Press • www.press.uchicago.edu

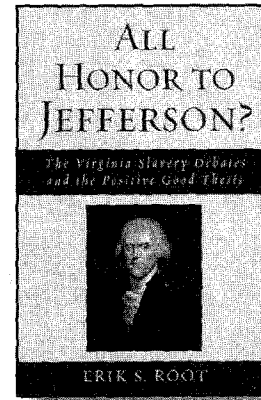
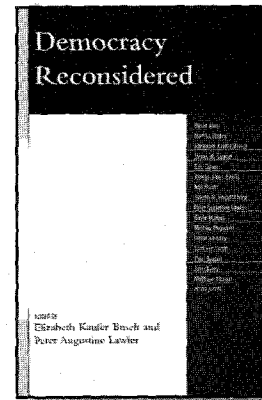
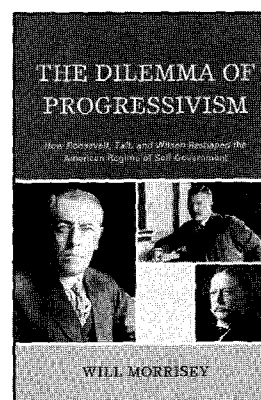
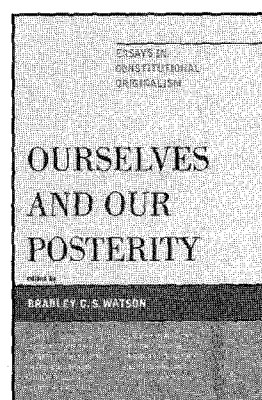
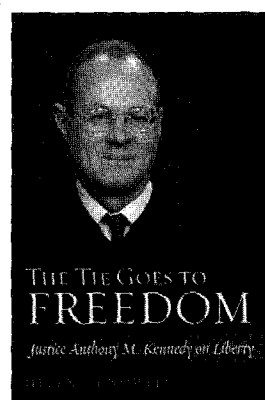
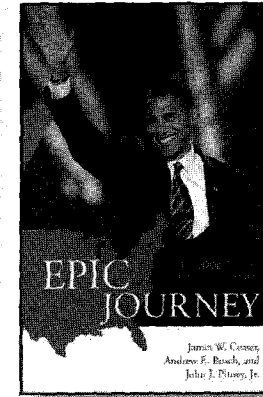
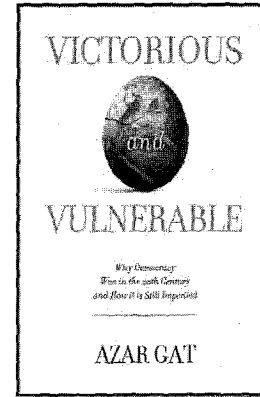
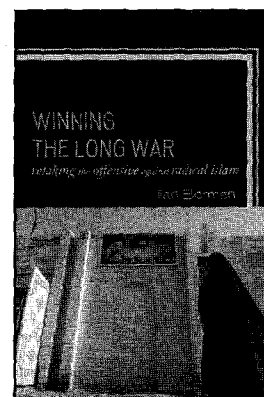
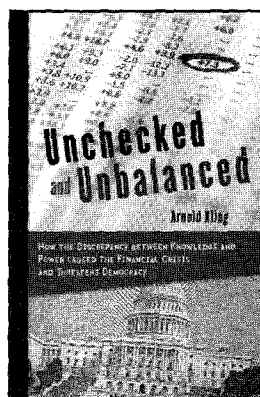
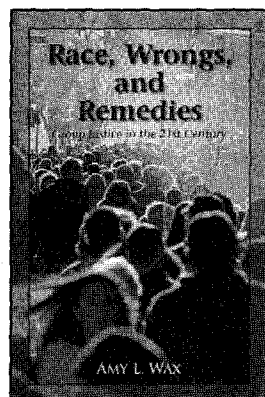
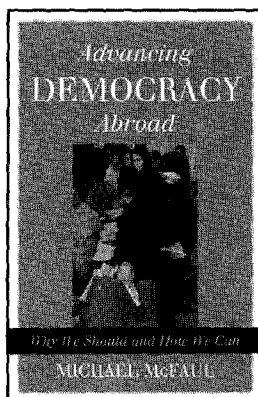


CLAREMONT REVIEW OF BOOKS
937 W. Foothill Blvd., Suite E
Claremont, CA 91711

|||||
P-4 P9 *****AUTO**SCH 3-DIGIT 940
2358 ACF904
MR. RON UNZ
WALL STREET ANALYTICS INC.
555 BRYANT ST # 371
PALO ALTO CA 94301-1704

Non Profit Org.
U.S. Postage Paid
Permit No. 504
Claremont, CA

The Rowman & Littlefield Publishing Group



ADVANCING DEMOCRACY ABROAD WHY WE SHOULD AND HOW WE CAN By Michael McFaul

ROWMAN & LITTLEFIELD PUBLISHERS
November 2009, 302 pages
978-1-4422-0111-8 \$29.95 cloth

RACE, WRONGS, AND REMEDIES GROUP JUSTICE IN THE 21ST CENTURY By Amy L. Wax

ROWMAN & LITTLEFIELD PUBLISHERS
May 2009, 200 pages
978-0-7425-6286-8 \$29.95 cloth

UNCHECKED AND UNBALANCED HOW THE DISCREPANCY BETWEEN KNOWLEDGE AND POWER CAUSED THE FINANCIAL CRISIS AND THREATENS DEMOCRACY By Arnold Kling

ROWMAN & LITTLEFIELD PUBLISHERS
November 2009, 136 pages
978-1-4422-0124-8 \$29.95 cloth

WINNING THE LONG WAR RETAKING THE OFFENSIVE AGAINST RADICAL ISLAM By Ilan Berman

ROWMAN & LITTLEFIELD PUBLISHERS
June 2009, 144 pages
978-0-7425-6619-4 \$29.95 cloth

VICTORIOUS AND VULNERABLE WHY DEMOCRACY WON IN THE 20TH CENTURY AND HOW IT IS STILL IMPERILED By Azar Gat

ROWMAN & LITTLEFIELD PUBLISHERS
September 2009, 244 pages
978-1-4422-0114-9 \$29.95 cloth

EPIC JOURNEY THE 2008 ELECTIONS AND AMERICAN POLITICS By James W. Ceaser, Andrew E. Busch and John J. Pitney, Jr.

ROWMAN & LITTLEFIELD PUBLISHERS
March 2009, 234 pages
978-0-7425-6136-6 \$24.95 paper
978-0-7425-6135-9 \$49.95 cloth

THE TIE GOES TO FREEDOM JUSTICE ANTHONY M. KENNEDY ON LIBERTY By Helen J. Knowles

ROWMAN & LITTLEFIELD PUBLISHERS
January 2009, 312 pages
978-0-7425-6257-8 \$44.95 cloth

OURSELVES AND OUR POSTERITY ESSAYS IN CONSTITUTIONAL ORIGINALISM Edited by Bradley C. S. Watson

LEXINGTON BOOKS
April 2009, 308 pages
978-0-7391-2790-2 \$34.95 paper
978-0-7391-2789-6 \$90.00 cloth

THE DILEMMA OF PROGRESSIVISM HOW ROOSEVELT, TAFT, AND WILSON RESHAPED THE AMERICAN REGIME OF SELF-GOVERNMENT By Will Morrissey

ROWMAN & LITTLEFIELD PUBLISHERS
March 2009, 278 pages
978-0-7425-6074-1 \$70.00 cloth

DEMOCRACY RECONSIDERED Edited by Elizabeth Kaufer Busch and Peter Augustine Lawler

LEXINGTON BOOKS
June 2009, 292 pages
978-0-7391-2481-9 \$32.95 paper
978-0-7391-2480-2 \$75.00 cloth

ALL HONOR TO JEFFERSON? THE VIRGINIA SLAVERY DEBATES AND THE POSITIVE GOOD THESIS By Erik S. Root

LEXINGTON BOOKS
2008, 264 pages
978-0-7391-2217-4 \$75.00 cloth
978-0-7391-2218-1 \$32.95 paper

The Rowman & Littlefield Publishing Group
To order, visit www.rlpbooks.com or call 800-462-6420